

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AMANDA HOVANEK,

Defendant.

Case No. 3:22-CR-00274-JRK-1
Court of Appeals No. 24-3899

Toledo, Ohio

TUESDAY, OCTOBER 1, 2024

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TRANSCRIPT OF SENTENCING HEARING
BEFORE THE HONORABLE JAMES R. KNEPP II
UNITED STATES DISTRICT JUDGE

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INDEX

WITNESS

PAGE

ANDREW EILERMAN

DIRECT EXAMINATION BY MS. STERLING:	24
CROSS-EXAMINATION BY MR. KLUCAS:	88
REDIRECT EXAMINATION BY MS. STERLING:	105

BRIAN LITTLE

DIRECT EXAMINATION BY MS. BAEPPLE:	108
CROSS-EXAMINATION BY MR. BAILEY:	131

- - -

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TUESDAY, OCTOBER 1, 2024

(Proceedings commenced in open court at 9:15 a.m.)

THE COURT: This is the case of the United States of America versus Amanda Hovanec. It's case number 3:22-cr-274. Matter comes on this morning for a sentencing hearing.

Ms. Hovanec was charged in this court with a complaint back in May of 2022, an Indictment that same month later. She's been in custody since that time. In February of this year, there was a change of plea to the Indictment with guilty pleas to Counts 1, 2, 4 and 5 of the Indictment without -- without a Plea Agreement, so open pleas to those counts.

Present in the courtroom this morning are, of course, the defendant, Ms. Hovanec. She's joined at counsel table by her counsel, Attorneys David Klucas and Kenneth Bailey.

Here on behalf of the government, we have AUSA Sterling and AUSA Baeppler. We've got several other folks here as well including the case agent, Special Agent Eilerman, and I think there is Auglaize Detective Little here as another case agent.

And I'm not going to introduce everybody, but that's probably the main players who we might hear

1 from.

2 We also have folks here from the United
3 States Pretrial and Probation Office. We've got Officer
4 Truesdell, who prepared the Presentence Investigation
5 Report.

6 Paul, I'm sorry, I forgot your last name.

7 MR. SKARUPA: Skarupa, Your Honor.

8 THE COURT: Say it again?

9 MR. SKARUPA: Paul Skarupa.

10 THE COURT: Paul Skarupa, who is a Deputy
11 Chief of our Probation Department who is here as well.

12 And it's not wasted on me that we have a
13 roomful of folks who are interested in this case for one
14 reason or another. Those of you who are here in
15 attendance, this is a brand new court -- brand new
16 courthouse, and we are just in about the third or
17 fourth week of using it, so there might be a technical bug
18 here or there that we are working on, but we are doing our
19 best to keep everybody comfortable with the lighting and
20 sound and so forth. We've had a trial in this room
21 already, so I think we've got some of the wrinkles worked
22 out, but such as it is.

23 Let's talk about what I have in my file just
24 so we can talk about making sure that I have everything I
25 should have.

1 Certainly, I have the Presentence
2 Investigation Report prepared by Officer Truesdell as well
3 as a sentencing recommendation from her. I have the
4 government's sentencing memorandum filed under seal. The
5 government filed several exhibits to that, some video
6 exhibits and also transcripts of video exhibits. The video
7 exhibits, the audio was a little low, so I'll be candid, I
8 mostly relied on the transcripts as opposed to the videos,
9 but we did look at those.

10 I have a sentencing memorandum contained
11 from Mr. Klucas to which was appended the report of
12 Dr. Brams.

13 MR. KLUCAS: Brams.

14 THE COURT: Brams.

15 And I have received something of a mountain
16 of victim impact stuff, every bit of which I have read.
17 Sometimes tearfully, frankly, but, in all instances, with
18 clear enough eyes to read and appreciate it.

19 Ms. Sterling, is there anything else that
20 you can think of that I ought to be looking at just about
21 now?

22 MS. STERLING: No, Your Honor. Thank you.

23 THE COURT: Just to be clear, I think the
24 victim impact stuff was 248 pages, just so -- it was
25 something like that until we got all done with it.

1 And then, Mr. Klucas, anything else that you
2 can think of that I ought to be looking at?

3 MR. KLUCAS: No, Your Honor.

4 THE COURT: Okay.

5 So that's what I have. And I told -- I told
6 counsel before we came on the record, but I'm going to tell
7 the folks in the room, too, I have never -- I've never
8 struggled more mightily with a case than I have with the
9 sentencing determination in this case. Well, frankly, I've
10 never had a case like this before. I've been a district
11 judge for a little over four years and it's the first,
12 first instance I've had something like this.

13 Folks, could we get you guys to slide
14 together a little bit over there? Make some room? We've
15 got some more folks coming in.

16 Between all of the submissions that we have
17 and the issues, which are really pretty tough in this case,
18 a couple of them, anyway, in terms of we all sort of know
19 what happened here, but there are some legal implications
20 of some of the things that we'll have to talk about today
21 in determining what is the appropriate sentencing
22 determination, which could run anywhere from a mandatory
23 minimum of 20 years up to a maximum authorized sentence of
24 life. And, in this court, life means life. It's not life
25 with parole at some point. When we give a sentence in this

1 court, it's definite. It's not something where someone
2 comes before a Parole Board at some point in the future.
3 When a district judge sentences a defendant to a term or
4 whatever that term is, be it a number of months or life,
5 that's relatively final.

6 Let's talk about the Presentence
7 Investigation Report which Officer Truesdell prepared. I
8 know there were some factual things pointed out along the
9 way, but, as I understand it, the only objections remaining
10 were by the defendant as to the -- a couple of
11 enhancements.

12 Ms. Sterling, looking at the report, and
13 let's just talk about the facts now. I'm not talking about
14 enhancements or, frankly, I'm not even talking about
15 acceptance of responsibility points. I'm talking about the
16 facts in the Presentence Investigation Report. Do you see
17 any factual inaccuracies in there that we ought to talk
18 about?

19 MS. STERLING: I do see a paragraph 9, Your
20 Honor, upon my review last night. The last sentence of
21 paragraph 9 talks about a preliminary review of cellular
22 phone location information for the victim's cell phone and
23 it says that it appeared that his vehicle, after dropping
24 off the children, had taken a route that avoided
25 Interstate 75 from 7:01 to 7:56 p.m. That timeframe is not

1 correct. It didn't leave from the dropoff until 7:56 p.m.
2 From 7:01 to 7:56 p.m., the location information showed
3 that it remained at the Green residence there in Auglaize
4 county.

5 THE COURT: Okay.

6 (Whereupon, a discussion is held off record.)

7 THE COURT: Mr. Klucas, any objection to
8 fixing that timeframe that she's talking about?

9 MR. KLUCAS: No. Ms. Sterling's
10 representation is consistent with my review of the
11 material, also.

12 THE COURT: So what are we going to -- what
13 are we going to change the times to, Ms. Sterling?

14 MS. STERLING: I suppose we could change the
15 sentence to say: During their preliminary review, it
16 appeared that the route T.H. had taken after dropping off
17 the children avoided Interstate 75.

18 THE COURT: And just end there?

19 MS. STERLING: Period, yeah.

20 THE COURT: Mr. Klucas?

21 MR. KLUCAS: Fine.

22 THE COURT: Okay.

23 So we will strike everything after: Avoided
24 Interstate 75.

25 And we'll fix that.

1 Anything else, Ms. Sterling?

2 MS. STERLING: With regard to the facts,
3 Your Honor? No.

4 THE COURT: The facts. Okay.

5 And before we go any further, can you all in
6 the back hear okay? Is the sound working all right?
7 Because we are still -- okay. Thank you for the thumbs up
8 signs back there. We are just making sure everything is
9 dialed in a little bit.

10 Mr. Klucas, same question.

11 MR. KLUCAS: No, Judge. We don't have any
12 additional corrections other than what Ms. Sterling pointed
13 out.

14 THE COURT: Okay.

15 Ms. Hovanec, good morning. Have you had a
16 chance to review the Presentence Investigation Report that
17 we are now talking about?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Okay.

20 So I'm sure your lawyers have explained this
21 to you because I've known them for a long time and I know
22 that they have done that. But, so you understand, here, in
23 open court, at some point, we are going to adopt the facts
24 in this report as the factual background for about what
25 happened here. Then that will be supplemented by anything

1 that gets said here today. But that kind of becomes the
2 canvas that we do our painting on, okay. So it's important
3 that this is right.

4 Do you see anything in this report that's
5 not right?

6 THE DEFENDANT: No, Your Honor.

7 THE COURT: Okay.

8 So without objection, I'm going to adopt the
9 facts set forth in the Presentence Investigation Report as
10 the factual basis for our sentencing determination to be
11 supplemented by anything that happens here this morning.

12 I'll ask, is anybody planning to call any
13 witnesses this morning?

14 Ms. Sterling?

15 MS. STERLING: Yes, Your Honor.

16 THE COURT: Okay.

17 Mr. Klucas?

18 MR. KLUCAS: We are not.

19 THE COURT: Okay.

20 Well, obviously, Ms. Hovanec can speak if
21 she wishes to, but other than that, there wouldn't be?

22 MR. KLUCAS: Correct. Yeah, correct.

23 THE COURT: Okay.

24 So, Ms. Hovanec, my job here today -- and
25 it's -- it's not even close, it's the worst part of what's

1 otherwise kind of a good job -- is I have to figure out
2 what's the right sentence for this case.

3 As I said coming out of the blocks, the
4 statute, pursuant to whatever the statutes, multiple, to
5 which you have been convicted for violating provide a
6 sentence at the low end of 20 years, at the high end of
7 life imprisonment. We have to figure out where on that
8 continuum you go.

9 My job, under a statute called 18, U.S.C.,
10 Section 3553(a) is to figure out what sentence is
11 sufficient, but not excessive. In plain speak, and I know,
12 I know you've gone to college and you understand those
13 words, but just to break it down into the plainest speak I
14 can, what is enough, but not too much. And that's not --
15 that's not particularly scientific; it's something we have
16 to do. It's something that I took an oath to do, and it's
17 what I try to do, and I've spent dozens of hours agonizing
18 over under all the facts in this case, and there are a
19 bunch, factors and facts, what is enough, but not too much.

20 And looking at that, I have to look at, to
21 begin with, the nature and circumstances of the offense.
22 And that, that goes into the realm into, frankly,
23 punishment. There has to be punishment for violating the
24 law and committing a crime. Depending upon how bad the
25 crime is, the punishment has to line up with that so that

1 people respect the law. And it's really hard to think of a
2 crime that's worse than murdering the father of three
3 little girls, a husband, good, bad or otherwise, but the
4 father of three little, little girls, a son, a brother, an
5 uncle, a guy in service to his country, working, working
6 doing important work for our government, and he was
7 murdered, and by all accounts, premeditated, cold-blooded
8 murder. I suppose there are worse crimes, but it's hard
9 for me to think of what they are right now. So that's
10 certainly going into the mix here. There has to be
11 punishment that equals a crime that's hard to imagine how
12 much worse than.

13 There's a concept also of deterrence. We
14 have to deter further crimes, and that's both inward-facing
15 and outward-facing. On the one hand, the punishment has to
16 be severe enough that you would never be tempted to commit
17 a similar crime again for the rest of your life. That's
18 pretty easy, because the kind of numbers that we are
19 talking about here or the potential for life, any of those
20 things I think are going to satisfy the internal
21 deterrence, but there's also external deterrence that we
22 have to think about. What message are we sending here to
23 other people. What can we do to deter others from
24 committing a similar act. And there's -- we have to take
25 into consideration what message do we send about what we do

1 with someone who, in cold blood, murders their estranged
2 husband and the father of their children. What message are
3 we sending about what is the punishment you get if you do
4 that. I have to think about that.

5 There's a concept of protecting the public
6 from further crimes. That goes into the concept of
7 recidivism. I am not convinced that there's a high
8 potential for you if you were to ever get out of prison
9 some decades from now. Again, if you get out, I am not
10 particularly concerned about the possibility of recidivism,
11 but I have to think about it, and that's where the
12 protecting the public from other crimes comes in. Part of
13 your sentence has to be to incapacitate you long enough
14 that we don't have to worry about you hurting anyone else.

15 There's also the rehabilitative component of
16 this. I really don't have any control over what happens to
17 you while you are in the custody of the BOP, but they take
18 very seriously trying to provide programming and so forth
19 to make you as productive as you can be. If, ultimately,
20 the sentence in this case contains an out date, then you
21 would be subject to what's called supervised release where
22 there is programming available to try and help you
23 acclimate to society and come back and be a productive
24 citizen. In good conscience and confidence, I won't be the
25 person supervising you. I'll be long gone by then, but

1 some, if you do get an out date, there will be some judge
2 and some number of probation officers who will be working
3 with you on the other end of that.

4 I have to look at the -- let's just break
5 that down a little bit differently just to, because
6 sometimes if I say it a little differently, it becomes
7 clearer, maybe sometimes less clearer. The first thing we
8 have to look at is the nature and circumstances of the
9 offense. In other words, what happened. We've talked
10 about that. We'll talk about that I'm sure at some length
11 today, but, you know, we have a premeditated, cold-blooded
12 murder here, and there is no way to sugarcoat that, and I
13 think it's Mr. Klucas who says or Mr. Bailey who says in
14 the sentencing memorandum, this is a -- this is a murder
15 case masquerading as a drug case and, frankly, he's not
16 wrong. This case isn't as much about drug -- it's a
17 violation of the drug statutes, but it's a murder case. It
18 just has the look and feel and everything about that, so
19 that observation struck; it resonated with me a little bit,
20 Mr. Klucas.

21 So we have to look at the "what happened"
22 part. Then we have to look at the history and
23 characteristics of the person who committed that crime and,
24 obviously, this is a person, who, we are not talking about
25 a career criminal here. We are talking about someone who,

1 you know, may have had some bad decisions over her lifetime
2 and maybe had some self-destructive tendencies and so
3 forth, but this is not something that was otherwise
4 consistent with her. So it's not like we have a person who
5 has got a 20-year criminal history or something. This is
6 kind of a one-off, as it were, but it's hard to -- it's
7 hard to say that, you know. You picked a big one for the
8 one.

9 We have to look at all the kinds of
10 sentences that are available, and that part, it's easy.
11 This is there is no choice here but for a prison term
12 measured in decades or possibly lifetimes. It's not like
13 we've got the possibility of probation or some alternative
14 incarceration here. The answer here is going to be
15 imprisonment, and depending on what the imprisonment looks
16 like, some, perhaps some period of supervision on the other
17 side of that.

18 We have to look at the guideline range,
19 which is promulgated pursuant to the United States
20 Sentencing Commission Guidelines, which is a book that
21 looks something like that, okay. And there's two
22 appendices to it, but we don't have to look at those, but
23 it's a thick book, and it basically goes through every
24 federal crime, and it assigns a value and number of points.
25 And then there are things that can enhance that, something

1 called enhancements that can make that number go up. There
2 are other things that can make it go down. And,
3 ultimately, we end up with a final offense level.

4 Then it goes through and it looks at your
5 criminal history, and that's pretty easy for you, and we
6 end up with a set of numbers on an X and Y coordinate, and
7 we go onto a chart and we go down with the offense level
8 and across for the criminal history, then it tells me a
9 recommended sentence in months or life. They go up to --
10 they cut off at 43, and you are going to be at or near --
11 you are going to be at or near the bottom of this page,
12 okay, or the left side of this page because your criminal
13 history is 1, so you are going to be down there near the
14 bottom, I suspect, when we get done with this, and that's
15 going to be a recommended sentence under the guidelines.

16 Now, I don't have to follow that, but that
17 certainly is the starting point for where we are. And then
18 I have to consider all the 3553(a) factors that we've
19 talked about and that are listed in the statute. I have to
20 go through and consider each of those things, and I have to
21 figure out is the guideline sentence the right sentence.
22 If so, why so. Is it too much? If so, why so. Is it not
23 enough? If so, why so. Well, it's not going to be that
24 last one, because it's -- you are at the top. You are
25 going to be at or near the top of the range.

1 So the only question I think we are going to
2 have is is the guideline sentence -- first of all, we have
3 to figure out what the guidelines really provide, and there
4 might be a little argument among the lawyers about that.
5 Once we figure out what the guidelines ultimately provide,
6 then we have to figure out is that the right sentence or
7 not. And I suspect I'll endeavor for the next however long
8 this takes, it's going to be largely centered around that,
9 those issues.

10 So we have to avoid unwarranted sentencing
11 discrepancies, which, typically, when we follow that
12 process, that sort of takes care of itself, but the same
13 crime committed by a similar defendant should be -- should
14 result in a similar sentence no matter what judge does it,
15 no matter where it is, it should be. If there are
16 differences, they should be apparent as to why.

17 And we also have to provide restitution to
18 the victims of the offense here, which we can talk about
19 today. We may enter a final restitution order or if the
20 parties -- we can move that to a different day if there's a
21 reason to, or we can enter a restitution order today as
22 well.

23 So, you know, I have to calculate, I have to
24 look at the nature of the offense, the history and
25 characteristics of the defendant, and the needs of the

1 public and any victims of the crime.

2 When we talk about the sentencing
3 guidelines, we have to go through and calculate them, and
4 Officer Truesdell has done that in the Presentence
5 Investigation Report. And I think that starts on about
6 page 9.

7 And let's just go through this, folks. She
8 comes up with, for a violation of 21, U.S.C., 963, she
9 comes up with 2D1.1 with a cross reference using
10 2D1.1(d) (1). 2A1.1 is used to determine the offense level
11 because it results in a higher offense level, and the
12 instant case involved the premeditated killing of T.H.
13 The base offense level is 43, and she cites to 2A1.1(a) and
14 2D1.1(d) (1).

15 Do you concur with that, Ms. Sterling?

16 MS. STERLING: I do, Your Honor.

17 THE COURT: Mr. Klucas?

18 MR. KLUCAS: We did.

19 THE COURT: Okay.

20 So we start off with a base offense level of
21 43. Then we have to look at adjustments.

22 The first adjustment that Officer Truesdell
23 has included is a two-point enhancement pursuant to
24 3B1.1(c) indicating that the defendant was an organizer,
25 leader, manager, or supervisor in any criminal activity

1 other than that described in (a) or (b); therefore, two
2 levels are attached. In the instant case, Hovanec directed
3 Theodorou and Green as to the killing of T.H. and the
4 covering up of the crime.

5 Mr. Klucas has objected to that.

6 Ms. Sterling, you have not, so I guess I'll
7 let Mr. Klucas talk about that first, if you are okay,
8 or --

9 MS. STERLING: Certainly can, Your Honor.
10 The government intends to address both of the objections as
11 well as its objection to acceptance after we present
12 additional testimony here this morning. So whatever --

13 THE COURT: Well, maybe we should hear the
14 evidence, Mr. Klucas.

15 MR. KLUCAS: Yeah, I was going to say, I
16 would rather reserve my argument.

17 THE COURT: Okay.

18 MR. KLUCAS: Until I hear what's been
19 presented, you know, other than what we already have --

20 THE COURT: Okay.

21 MR. KLUCAS: -- by way of witness testimony.

22 THE COURT: Okay. I think that's prudent.

23 And thank you, Ms. Sterling.

24 So there are two -- let's just get all the
25 cards on the table. There are two enhancements. The other

1 one is an adjustment for obstruction of justice. Officer
2 Truesdell has added two points, pursuant to 3C1.1, finding
3 that the defendant willfully obstructed or impeded or
4 attempted to obstruct or impede the administration of
5 justice with respect to the investigation, prosecution, or
6 sentencing of the instant offense of conviction, and the
7 obstructive conduct related to the defendant's offense of
8 conviction and any relevant conduct or a closely-related
9 offense. Therefore, two levels are added. In the instant
10 case, the defendant drove T.H.'s vehicle and abandoned it
11 in Dayton, Ohio, and disposed of T.H.'s property in
12 multiple dumpsters, disposed of the syringe and bottle of
13 the etorphine used to kill T.H. came in and buried T.H.'s
14 body.

15 I suspect there are other arguments that the
16 government will make there, but that's what Officer
17 Truesdell cited initially.

18 Mr. Klucas has objected to that, indicating
19 that, and I don't want to put words in your mouth, I want
20 to let you argue your own words, but essentially, the
21 conduct that we are talking about here was all part of the
22 big picture murder or poisoning of T.H. and, therefore,
23 it's not fair to -- she's already getting punished for that
24 with a 43 base offense level. This stuff is just part of
25 that, that same transaction and, therefore, shouldn't be a

1 separate add-on. Is that --

2 MR. KLUCAS: That's a fair characterization.

3 THE COURT: -- plain speak? Okay.

4 So if we add both of those, that takes us to
5 a 47.

6 Then, Officer Truesdell awarded two points
7 for acceptance and then a third point for acceptance. I
8 understand the government is going to object to either or
9 both of those, particularly the one point, but perhaps
10 both, both acceptance points at this time, which takes us
11 to a final offense level of I guess it would have been 44,
12 but the max you can have is 43, so it became 43 at that
13 point.

14 I understand we are going to argue about
15 those last three things, the two enhancements for the
16 defense, and the acceptance for the government, but are we
17 all in agreement that that's how we got there and that at
18 least the math and the -- we are all on the same page about
19 what the report did?

20 Ms. Sterling?

21 MS. STERLING: Yes, Your Honor.

22 THE COURT: And Mr. Klucas?

23 MR. KLUCAS: Yes, Your Honor.

24 THE COURT: Okay.

25 So if we had the 43 as the final offense

1 level, she's a -- she's a Criminal History Category I.

2 There is no dispute about that, correct?

3 MS. STERLING: Correct.

4 MR. KLUCAS: Correct.

5 THE COURT: Okay.

6 So just for introductory purposes, a 43,
7 level 1 would be a guideline recommended sentence of life.
8 Not a range, it would just be flatout life.

9 Ms. Sterling, you've indicated that you
10 intend to -- and I'm fine, I think it's probably the most
11 efficient way to do it -- put on your evidence, and then we
12 can argue perhaps about the objections both ways, and then
13 if you want to separately argue about the 3553(a) factors
14 once I rule on what the final guideline range is, I think
15 that might be the way to proceed.

16 MS. STERLING: I agree, Your Honor.

17 THE COURT: Okay.

18 So I'll turn it over to you.

19 MS. STERLING: Thank you, Your Honor.

20 The government would call case agent, FBI
21 Special Agent A.J. Eilerman.

22 MR. KLUCAS: We move for a separation if
23 there is more than one agent.

24 THE COURT: I'll grant that.

25 Anybody who you anticipate calling, please

1 ask them to step outside. Or there is a witness room.

2 There is a room, Ms. Sterling, right outside.

3 MS. STERLING: We've done that, Your Honor.

4 - - -

5 Thereupon, the Government, in order to maintain the
6 issues on their part to be maintained, called as a witness,

7 ANDREW EILERMAN,

8 who, having been duly sworn as provided by law, testified and
9 said as follows:

10 MS. STERLING: Thank you, Your Honor.

11 - - -

12 DIRECT EXAMINATION

13 BY MS. STERLING:

14 Q Good morning, Special Agent Eilerman. How are
15 you?

16 A Good.

17 Q Would you please state your full name for the
18 record, spelling your last name.

19 A Andrew Joseph Eilerman, E-I-L --

20 THE COURT: Hold on a second. I'm on it,
21 Erica.

22 Okay.

23 A E-I-L-E-R-M-A-N.

24 Q And how are you employed, sir?

25 A I'm a Special Agent with the Federal Bureau of

1 Investigation.

2 Q And how long have you been involved in law
3 enforcement?

4 A Approximately 16 and-a-half years.

5 Q And are all of those years spent with the Bureau?

6 A Yes.

7 Q Where are you currently assigned?

8 A I work out of the Cleveland Field Office, the
9 Lima Resident Agency.

10 Q And where is Lima in relation to Auglaize county,
11 Ohio?

12 A It's located in Allen county, just north of
13 Auglaize county.

14 Q Are you familiar with the investigation into
15 Amanda Hovanec?

16 A I am.

17 Q How is that?

18 A I'm the case agent.

19 Q Tell us how you got involved and how this matter
20 come to your attention, please.

21 A On April 27th of 2022, I received a call from a
22 Wapak, Wapakoneta, police officer named Cory Zwiebel.
23 Officer Zwiebel indicated that their office had been
24 contacted by the Best Western Hotel indicating that a guest
25 named Timothy Hovanec had overstayed his reservation.

1 They, ultimately, ended up collecting equipment, computer
2 equipment, electronics, clothes from the hotel room, and he
3 had contacted me as he believed Mr. Hovanec was a State
4 Department employee, and he didn't know if it was
5 government equipment or if the electronic equipment
6 contained classified information.

7 Q Was Mr. Hovanec, to your knowledge, a State
8 Department employee?

9 A Yeah, so after I received that call, I contacted
10 a -- the State Department detailee attached to our Joint
11 Terrorism Task Force in Cleveland, and I asked him to query
12 their global address book and he confirmed that Mr. Hovanec
13 was a State Department employee.

14 Q So what do you do with the information after you
15 spoke to Wapak Police Department?

16 A Well, I traveled down to Wapak and collected the
17 items, and I asked Officer Zwiebel to tell me a little bit
18 more about what was going on, and he explained to me that
19 he believed that Mr. Hovanec was in town for a custody
20 hearing. He was supposed to check out on Monday,
21 April 25th. He had not checked out as of the 26th when the
22 hotel staff went to clean the room, and on the 27th, they
23 then collected his items and turned them over to the police
24 department.

25 So, as a result of that, I traveled with

1 several members of our task force to the hotel, the Best
2 Western in Wapak. I wanted to see the room and just get an
3 idea of what was going on. I believe the room had been
4 turned over already for the next guest, but, at that point,
5 I had one of our task force officers go down and start
6 reviewing surveillance footage at the front desk. And
7 another task force officer, I had asked him to contact the
8 credit card company for Mr. Hovanec and try to get a list
9 of his most recent transactions.

10 So I believe the credit card records stopped
11 on Sunday afternoon. At that point, it was clearly obvious
12 that Mr. Hovanec was missing. And given that we were in
13 Auglaize county, I had reached out to detectives from the
14 Auglaize County Sheriff's Office. I explained to them what
15 I had known at that point and that he was a State
16 Department employee and that perhaps we should work this
17 missing persons investigation jointly.

18 The day prior, when Wapakoneta Police
19 Department had been made aware, they requested the Auglaize
20 County Sheriff's Office to send a deputy out to Anita
21 Green's house on Middle Pike Road. This is because
22 Wapak -- where she lives is outside of Wapak's
23 jurisdiction.

24 Q So just to be clear, Wapakoneta is the city, and
25 it sits in Auglaize county?

1 A Correct.

2 Q Okay.

3 A So fast-forward back to Wednesday, the 27th, we
4 are all back at the Sheriff's Office where we kind of set
5 up our command center, command post, and we decided that we
6 would send out another deputy, this time outfitted with an
7 audio recorder, because I don't believe the interview the
8 day prior was recorded.

9 So Deputy Foxhoven and Detective Brian
10 Little went out and again interviewed Amanda and --

11 Q Back up a minute. You said someone from Wapak
12 had gone out the day before and spoke to someone. Do you
13 have knowledge who they spoke to or what that was about?

14 A Yeah, that would have been, again, Detective
15 Foxhoven, and he also spoke with Amanda.

16 Q What was the purpose of that interview?

17 A Just to try to gather some information about
18 Tim's whereabouts.

19 So on the 27th, when Detective Little and
20 Deputy Foxhoven interviewed her, again, it was just trying
21 to get a timeline, identify what they may have known about
22 Tim, when he was last seen. Detective Little also obtained
23 phone numbers for Anthony Theodorou, Anita Green, Amanda,
24 and following the interview, they came back to the
25 Sheriff's Office. At that point, we decided that we would

1 get exigent phone pings for Anita Green, Amanda Hovanec,
2 and Tim Hovanec.

3 Q And before you go further, you indicated that
4 when deputies went out to the house on the 27th?

5 A Correct.

6 Q They did, in fact, speak to Amanda Hovanec?

7 A They did, yes.

8 Q And you said they obtained telephone numbers from
9 a number of people including an individual who you have
10 identified as Anthony Theodorou, correct?

11 A That's correct.

12 Q Who is he?

13 A Anthony Theodorou was later identified as the
14 boyfriend of Anita Green -- I'm sorry, of Amanda Hovanec.

15 Q And, again, just for clarification on the record,
16 who is Anita Green relative to Amanda Hovanec?

17 A That would be her mother.

18 Q All right.

19 All right. Go ahead. You indicated the
20 decision was made to obtain exigent ping information on a
21 number of folks?

22 A Correct. Yeah, on Amanda Hovanec, Tim Hovanec,
23 and Anita Green's cell phones.

24 So when we received the information back,
25 the data revealed that Tim's phone had been at Anita

1 Green's residence for just under an hour, over 50 minutes.

2 Q When was that?

3 A On the 27th -- I'm sorry, on April 24th. Sunday,
4 April 24th.

5 Q So on April 24th, the phone location records
6 showed Mr. Hovanec's phone was where?

7 A Was at Anita Green's residence from a little
8 after 7:00 until a little before -- until right around 8:00
9 p.m.

10 Q And was that significant to you in some way?

11 A Yeah, it was significant because when the members
12 from the Sheriff's Office went out to interview Amanda, she
13 had made the comment that Tim had only been there long
14 enough to drop the girls off. So this didn't -- the data
15 wasn't coinciding with what she was saying.

16 Q With that information, what did you do next?

17 A Well, ultimately, the last ping that we had
18 received for Tim's phone was near a park in Dayton, Ohio.
19 I contacted a friend of mine, who is an FBI agent in Dayton
20 named Bob Buzzard, and I asked Bob Buzzard to check the
21 coordinates of the last cell phone ping. I sent him the
22 coordinates. A little while later, he contacted me and
23 said that he was looking at a black Volkswagen Tiguan,
24 which is the vehicle that Tim had driven to Ohio for the
25 custody hearing.

1 Q Okay. So the vehicle, Mr. Hovanec's vehicle, was
2 located in Dayton?

3 A Correct.

4 Q What happens next?

5 A He also noted that there was no license plates on
6 the vehicle. Agent Buzzard and I determined to -- that it
7 was a good idea to have the B.C.I. Crime Scene Team come
8 out and process the vehicle.

9 So a little bit of time went by, they showed
10 up, and as they were processing the vehicle, Agent Buzzard
11 called me back and indicated that they had located a dash
12 camera in the windshield that was located right in front of
13 the rear view mirror.

14 Q Okay. I'm going to back you up for a second.
15 You said the vehicle had been located near a park in
16 Dayton, Ohio?

17 A Correct.

18 Q And it has no license plate?

19 A Correct.

20 Q What are you told about the neighborhood where
21 this vehicle is located?

22 A It was kind of a rough area of Dayton.

23 Q And is there a particular reason why you felt
24 that it was necessary to call in a crime processing team?

25 A Well, I mean, we are conducting a missing persons

1 investigation, and we had no idea why the vehicle was down
2 there, so we were going to treat it as a crime scene.

3 Q All right. So you said they come in, and that's
4 B.C.I.?

5 A Correct.

6 Q To your knowledge, they're processing Tim's car,
7 treating it like a crime scene?

8 A Yes.

9 Q And I believe the last thing you said before I
10 interrupted you was they located a dash camera in that
11 vehicle?

12 A Correct.

13 Q What was the vantage point, if you will, of the
14 angle of that dash cam?

15 A So from where I just mentioned, the camera was
16 located in the upper portion of the windshield, behind the
17 mirror. It was pointing out, looking out over the hood.

18 Q All right. Have you had an opportunity to view
19 that dash camera?

20 A Yes.

21 Q All right. Well, why don't you continue on with
22 your story. You're told that there's a dash camera and
23 what do you see?

24 A Well, I asked Agent Buzzard if he could get that
25 up to us in Auglaize county as soon as it was processed and

1 collected as an item of evidence. He agreed, and he
2 traveled north and then we sent one of our task force
3 officers to meet him halfway and pick up the dash camera.

4 Q And bring it back to you in Auglaize county where
5 you were set up?

6 A Correct.

7 Q And did you have an opportunity to view the dash
8 camera?

9 A I did.

10 Q And let's specifically talk about the April 24th
11 timeframe when Mr. Hovanec dropped his children off out
12 there at Anita Green's residence in Wapakoneta, Ohio. Did
13 you view that?

14 A I did, yes.

15 Q If we can't -- tell us, generally, what's
16 depicted on there.

17 A As he arrives in the driveway, you can see the
18 camera is pointed at the garage door and then a side entry
19 door that was later identified as Anita Green's house.
20 Standing at the door was Amanda Hovanec, and followed
21 closely behind by Anita Green. She comes out. The
22 children are quickly scurried into the house.

23 Q Who comes out?

24 A I'm sorry, Amanda comes out and makes contact
25 with Tim, followed shortly by Anita, who is seen standing

1 in the doorway holding the door open. Amanda makes contact
2 with Tim, they quickly get the children into the house.
3 Anita is seen at the door scurrying the kids into the
4 house. She follows the last child into the house, closes
5 the door. Almost immediately thereafter, you can hear a
6 scuffle break out at the vehicle, and Tim is overheard
7 saying, "Did you just assault me?" None of this is in the
8 view of the camera, but you can hear the audio.

9 Shortly thereafter, Tim walks around the
10 rear of the vehicle and to the front along the passenger
11 side. At this point, they come into view of the camera,
12 and you can see Tim make contact, looking at the camera,
13 and Amanda is chasing him and trying to knock his cell
14 phone out of his hand. As they approach the garage door of
15 Anita's house, she is actively trying to wrestle him to the
16 ground.

17 Q She, being who?

18 A That would be Amanda Hovanec.

19 Eventually, she's able to wrestle Tim to the
20 ground and she holds him there for quite some time until
21 Tim stops moving. She gets up and removes Tim's watch from
22 his wrist and gets into the car and turns the car off, at
23 which time, the footage stops.

24 Q Okay. And you've had an opportunity to view that
25 on a number of occasions, I imagine?

1 A Yes.

2 Q All right.

3 I want to go ahead and, if we can, play
4 Exhibit 1.

5 THE COURT: Should we be publishing this to
6 the gallery, also?

7 MS. STERLING: Judge, that's your call. I
8 mean, this is a public courtroom, so.

9 THE COURT: It is.

10 MS. STERLING: We have -- I appreciate the
11 concern. We have previously discussed the matter with the
12 victim's family. They are aware, and they've been given
13 their options as far as that recording.

14 THE COURT: I think you've all heard what's
15 going to be in this video. If anybody -- I am going to
16 publish it in the room. If anybody doesn't want to be
17 present for that, this will be a good time to step out, I
18 suppose.

19 MS. STERLING: Let's make sure the volume is
20 up, please. Thank you.

21 THE COURT: Are you playing it from the
22 table there? Yes?

23 (Whereupon, exhibit played in open court.)

24 Q Special Agent Eilerman, just to note here on
25 Exhibit 1, I believe you can see it on your screen in front

1 of you, the date and time of this video?

2 A Yeah, the date is listed as April 24th, 2022, at
3 7:00 p.m. It's listed as 1900, 7:00, yeah.

4 Q In your review, did you find the date and
5 timestamps on these videos to be generally accurate?

6 A Yes.

7 Q Thank you. Go ahead.

8 (Whereupon, exhibit played in open court.)

9 THE COURT: Could you stop for just a
10 second?

11 Do we need to lower the lights? Can
12 everyone see the monitors okay? Are we okay? All right.
13 I just -- I'm sorry.

14 And please continue.

15 (Whereupon, exhibit played in open court.)

16 Q All right. So Special Agent Eilerman, can you
17 tell the Court what was going on in the investigation at
18 the time that you saw the video that was just played?

19 A Well, before the video had arrived back in
20 Auglaize county, we decided that it was time for us to
21 start conducting interviews, interviews of Anita Green,
22 Amanda Hovanec, and Anthony Theodorou.

23 So, at the time, myself and Lieutenant Doug
24 Burke had traveled out to Anita's house, and our objective
25 was to interview Anthony Theodorou. Simultaneously, FBI

1 Special Agent Kyle Fulmer and Mike Huber were traveling to
2 interview Anita Green, and their interview was going to
3 take place at Anita's residence.

4 We made contact with Mr. Theodorou. He
5 agreed to travel back to the Sheriff's Office for an
6 interview, and while we were en route back to the Sheriff's
7 Office, I received a telephone call from my boss, and he
8 had informed me what the video depicted.

9 So we got back to the Sheriff's Office, we
10 initiated our interview with Mr. Theodorou. He was
11 provided his Miranda rights and agreed to be interviewed.

12 Initially, he told us that he had known
13 Amanda since August of 2019, that he traveled into the U.S.
14 most recently on April 6th of 2022. He spent a few days at
15 Anita Green's residence visiting with Amanda and her
16 children. And on April 10th, he flew to the United Kingdom
17 to visit his daughter. He returned to the U.S. on
18 April 20th of 2022, and was again staying at Anita's
19 residence visiting Amanda.

20 He said that he was aware that he had never
21 met Tim, but he was aware that Amanda and Tim were going
22 through divorce proceedings and that they were also going
23 through a custody dispute involving their children.

24 He provided information about when Tim
25 picked up the girls on April 22nd, and then he provided

1 information about the dropoff of the children on
2 April 24th. He indicated that he wasn't outside during the
3 dropoff, that he was in the house, and he said that when
4 the girls came in, they had gathered their toys or their
5 surprises that were laid out for them, they went upstairs,
6 played with their toys, and as it was a school night, they
7 were provided baths and got ready for bed.

8 It was still light out at this time, and
9 over the weekend, Anthony and Amanda had been working on an
10 arbor located down near the pond at Anita's residence.
11 Since it was still light, Theodorou said that he and Amanda
12 went back out to the pond and continued working on the
13 arbor. After that, they went in the house, Amanda got the
14 girls to bed, Anthony took a shower and he went to bed. He
15 said that that whole afternoon, evening on Sunday, Amanda
16 was never out of his sight more than only a few minutes.

17 Q At this point, you were aware of the contents of
18 the video, correct?

19 A Yes.

20 Q Presumably, that seemed inconsistent with what
21 Mr. Theodorou was telling you at the time?

22 A Yes.

23 Q What did you do next?

24 A I confronted him and I told Anthony that we were
25 aware that Amanda had killed Tim, that we had seen the

1 video, and that what he was telling us wasn't true.

2 Pretty quickly, he changed his story and
3 told us that Amanda had been planning to murder Tim for
4 over a year. He said that it was all her idea and that he
5 killed her -- she killed Tim by injecting him with a
6 substance called M99.

7 Q Did he, I'm sorry, did he tell you -- I'm sorry.
8 You just answered the question I was going to ask you,
9 which is how she killed him. Did he offer any other
10 alternatives to the M99 in his initial statement?

11 A Originally, I believe they planned on hiring a
12 hitman to do it and, ultimately, Amanda ended up killing
13 him with the M99.

14 Q All right.

15 A By injecting him.

16 Q During your initial interview with Mr. Theodorou,
17 did you ask him if he knew where Tim's body was?

18 A We did, yes.

19 Q And what did he say?

20 A He said his body was underground and then he
21 offered to take us to where his body was buried.

22 Q Did you go with Mr. Theodorou to attempt to
23 locate the body?

24 A Yes.

25 Q If we can, tell us, at the end of all of this,

1 where did you go? What was the location?

2 A It was at the intersection of Wrestle Creek Road
3 and Blank Pike Road. And there was a pond. Wrestle Creek
4 runs north and south, Blank Pike runs east and west. On
5 the south side of Blank Pike Road, there was a pond. And
6 on the north side of the road, there was a wooded area.
7 There was a little bit of an area of grassy ditch that went
8 down and came back up, and then probably I'd estimate
9 20 yards, and then the wooded area began.

10 It was a very thick, wooded area, with a lot
11 of honeysuckle. It wasn't easy to traverse. And,
12 obviously, it was dark and it had been raining that night
13 as well.

14 Q When you go out there, approximately how far is
15 this location that you are describing from the Green
16 residence?

17 A Just a couple miles. It's not far at all.

18 Q And when you go out there to that location, you
19 said it was dark. Is Mr. Theodorou able to identify to you
20 specifically where Mr. Hovanec's body is?

21 A Yes, so he -- we had him, obviously, handcuffed
22 and shackled, and he escorted us through the woods, and it
23 was a very circuitous route, and at one point, he stopped
24 and said this is it. And it didn't look like a grave.
25 There was no mounding dirt. There had been I believe like

1 twigs and leaves placed over it. In fact, myself and
2 Detective Tim Rammel weren't sure that he was correct by
3 the route we took and just how it looked.

4 Q Did it turn out he was correct on the location?

5 A He was correct.

6 Q Let's go ahead, if we can, play Exhibit 2.

7 THE COURT: No, do you have it up? That was
8 on us.

9 (Whereupon, exhibit played in open court.)

10 Q All right. And if you would, Special Agent
11 Eilerman, what are we looking at here?

12 A So this is an overhead view of the area of where
13 Tim's body was located. The red pin is going to be pretty
14 close, if not the exact spot, of where his body was
15 located. Wrestle Creek Road is identified by the name
16 there. And Blank Pike, as you can see, just to the -- in
17 this picture, the top of Blank Pike, but as it would sit
18 via cardinal directions, that pawn would be south of Blank
19 Pike.

20 Q It does not appear to be much development in this
21 particular area of the county; would you agree with that?

22 A No, it's very rural.

23 Q All right.

24 If we could move on and let's show
25 Exhibit 3.

1 And what are we looking at here, special
2 agent?

3 A So this is walking in. I think you can see in
4 the left portion of the camera, I believe that's going to
5 be the road. That's going to be looking back at the -- I
6 believe that's maybe -- actually, no. That's -- yeah,
7 that's going to be looking back to the south of the road.
8 This is leading into the area of the wood, wooded area. As
9 you can see, it's very low growth. It's hard to walk.
10 It's not like walking through normal woods. A lot of
11 honeysuckle. There is a path that's there now, and that
12 path was largely created by the crime scene recovery team.

13 Q Okay. And how about Exhibit 4?

14 A Again, just showing the overgrowth in this area
15 and how hard it is to walk through.

16 Q And these pictures were taken presumably the
17 morning after Mr. Theodorou took you out there?

18 A That's correct.

19 Q So just days after the murder?

20 A Correct.

21 Q You indicated previously that Mr. Theodorou was
22 correct in the location that he provided. I'm assuming
23 that a crime team was called in to process that scene?

24 A Yeah. So after he identified the location on the
25 night of the 27th, we had again contacted the B.C.I.,

1 requested that they come out and their Crime Scene Team
2 conduct the -- exhume the body. And it was obviously late
3 at night, so the Sheriff's Office had posted marked units
4 in the area to protect the scene, and then early the next
5 morning is when the processing of that area began.

6 Q All right.

7 Let's show Exhibit 5, please.

8 And what are we looking at here, please?

9 A So this is going to be, again, the intersection
10 of Wrestle Creek and Blank Pike Road and the coordinates
11 that the B.C.I. agents had designated to where Tim's body
12 was recovered. And it shows, essentially, a straight line
13 from the road. It was almost -- it was 178 feet.

14 Q What's the distance -- the length of a football
15 field?

16 A Three hundred feet.

17 Q Let's pull up Exhibit 6, please, and if we could
18 zoom in on what's depicted there.

19 And what are we looking at here, please?

20 A So this is going to be a diagram drawn by,
21 created by the B.C.I., Special Agent Sarah Taylor, who was
22 present at the time Tim's body was exhumed. And this is
23 depicting the length, width, depth of the grave where Tim's
24 body was found.

25 Q And what was the depth of the grave?

1 A It was two feet.

2 Q It says width, 2.2 feet, correct?

3 A Correct.

4 Q Length?

5 A 6.2 feet.

6 Q And next, I'm going to ask you to take a look at
7 what's been marked as Exhibit 7. And what are we looking
8 at here?

9 A This is Tim's body.

10 Q You can go ahead and take that down, please.

11 And that was Tim's body, obviously, in the
12 grave before it was removed?

13 A Correct.

14 Q Okay. Anything of note about the body or the
15 grave?

16 A Yes. So Tim had, when his body was recovered, it
17 was identified that he had a plastic bag over his head.
18 Also, his hands and his feet were zip-tied and there was a
19 bluish-green substance that was found in the area of his --
20 of his torso and his head. It was collected as an item of
21 evidence.

22 Q The substance was not something that was
23 elsewhere out there at the -- at the burial location?

24 A No.

25 Q And is it your testimony that it was in the grave

1 as opposed to on top of the dirt covering Tim's body?

2 A Correct.

3 Q As you sit here today, do you know approximately
4 how tall Tim was and how much he weighed?

5 A So Tim was, according to the Lucas County
6 autopsy, he was 5'10.5" and he weighed 229 pounds.

7 Q After Mr. Theodorou has taken you out to the
8 grave site but before the body has been exhumed, it's my
9 understanding that you went back to the Sheriff's
10 Department to continue your interview with him; is that
11 correct?

12 A Correct.

13 Q All right. Run us through that, please.

14 A At this point, he told us that he had obtained
15 the substance from a gentleman in South Africa. He shipped
16 it from South Africa to Amanda at Anita Green's residence.
17 He told us that Amanda had been planning this for a year.
18 He said that after it happened, Amanda had drug his body
19 from where Tim died into Anita's garage, and he presumed
20 that she prepared the body and -- as in zip-ties and
21 plastic bag. He went on to tell us that they drove Tim's
22 car down to Dayton, where they planned to dump it in
23 Dayton.

24 Q When you say "they," who drove Tim's car down?

25 A So Amanda drove Tim's Volkswagen and Anthony

1 followed in Amanda's Honda Pilot.

2 He also provided information that when they
3 drove to bury Tim's body, Anita Green drove them. They had
4 prearranged a plan where they weren't going to use cell
5 phones. Anita would drop them off, and every hour on the
6 hour, she would travel back to that area where they buried
7 Tim's body, and if they weren't standing down near the
8 road, she would return home and come back an hour later.

9 Q Did he indicate to you why they had agreed that
10 they would not use cell phones?

11 A Because cell phones can be tracked and they
12 didn't want to leave any sort of digital footprint of their
13 actions.

14 Q What else did he tell you about the crime in this
15 initial interview?

16 A He told us that after it happened, he, Anita, and
17 Amanda had been talking about it. He recalled a time after
18 law enforcement had been to the house that Amanda had sat
19 him down and talked to him and told him that she had no
20 idea that Tim still had things at the hotel and wasn't
21 planning for that.

22 Q Did he speak to you about whose idea it was to
23 drive Tim's car to Dayton?

24 A Yeah, Amanda was the one who came up with the
25 idea to discard Tim's vehicle down in Dayton.

1 Q And did you, subsequently, find evidence in the
2 dash cam to support that?

3 A Yes.

4 Q Were there other -- presumably, there are, given
5 the answer to the question I just asked you, there were
6 other videos on the dash cam recovered from Tim's car?

7 A Yes.

8 Q Okay. Just generally speaking, what timeframe is
9 on there and what do they contain?

10 A So from March 25th of 2022 until April 24th of
11 2022, videos. On March 25th, it shows an attempted pickup
12 at Anita Green's house. Tim showed up and was seen
13 speaking to Amanda at the backdoor of Anita's house. The
14 girls didn't come out. He ended up going into the car,
15 gathering a bag of gifts, and then went into the house.
16 And then, ultimately, left alone without the children. And
17 on April 22nd, it showed him arriving at the Auglaize
18 county courthouse. And later that night, it showed him
19 picking up the children at Anita's house.

20 Q Obviously, showed the video we previously played
21 at the dropoff, correct?

22 A Correct.

23 Q And if I recall, the dropoff was just after
24 7 p.m. on April 24th, correct?

25 A Correct.

1 Q What's the next video?

2 A The next video shows Tim's car leaving Anita's
3 driveway. Shortly after turning right out of the driveway,
4 you can hear Amanda make the comment, "Fuck, yeah."

5 Q Let's go ahead, if we can, play Exhibit 11.
6 (Whereupon, exhibit played in open court.)

7 Q Is it that video you just referenced?

8 A Yes.

9 Q And we'll pause it right there, please. Pause
10 it, please.

11 The date and timestamp at the bottom,
12 please?

13 A So this was at 7:51 p.m. on April 24th of 2022.

14 Q All right. Let's go ahead and play.

15 (Whereupon, exhibit played in open court.)

16 Q Thank you.

17 Are there additional videos on the drive to
18 Dayton?

19 A Yes.

20 Q All right.

21 A There is another video where Amanda stops the car
22 and someone pulls up next to her. We've identified that as
23 Anthony Theodorou, and they have discussions regarding
24 wiping the vehicle down when they dump it in Dayton.

25 Q Let's play Exhibit 12, please.

1 (Whereupon, exhibit played in open court.)

2 Q Is that the video you were just referring to?

3 A Yes.

4 Q All right. And are there additional videos?

5 A Yeah, there's other videos during the drive down
6 there. There's a video that shows Anthony Theodorou in it.
7 There's another video that shows her pulling over and was
8 planning on throwing some of the stuff into a trash can,
9 but she saw people outside.

10 Q Okay.

11 Let's play Exhibit 13, please.

12 (Whereupon, exhibit played in open court.)

13 Q Thank you.

14 Before the decision was made to interview
15 these folks, specifically, Mr. Theodorou, Ms. Green and
16 Amanda Hovanec, fair to say that you or members of your
17 team had been keeping on eye on their whereabouts, correct?

18 A Yes.

19 Q And, specifically, I want to draw your attention
20 to April 27th, which was the day of the interview, and I
21 believe three days after the murder; is that correct?

22 A Correct.

23 Q All right. Anything in particular with regard to
24 surveillance of Amanda Hovanec on that date?

25 A So the surveillance team noted that Amanda and

1 Anthony had taken the three girls to the Neil Armstrong
2 museum in Wapak. They conducted surveillance, they
3 watched, and they saw the family arrive in Amanda's Honda
4 Pilot.

5 Q All right.

6 Let's pull up Exhibit 14, please. And if we
7 can zoom in on the picture, if we could.

8 And what's depicted here, Agent Eilerman?

9 A This photo shows Amanda and their three children.

10 Q And, again, the date at the bottom is accurate?

11 A This is at 4:27 p.m. on April 27th, 2022.

12 Q All right.

13 How about Exhibit 15.

14 And, again, what's depicted here?

15 A This is Amanda's Honda Pilot.

16 Q At the time -- I'm sorry. Go ahead.

17 A Shown at the Neil Armstrong Museum.

18 Q At the time that this photograph was taken, is
19 there anything of significance about this?

20 A At the time, no.

21 Q And what about now?

22 A That Amanda took her three girls to the museum in
23 the same car that she used to transport their deceased
24 father.

25 Q You've talked about your initial interview of

1 Mr. Theodorou. And I believe you said at the outset that
2 Anita Green was also being interviewed by other agents at
3 that time, correct?

4 A Correct.

5 Q And was Amanda Hovanec also being interviewed?

6 A She was.

7 Q And by different investigators?

8 A Correct, yes.

9 Q Fair to say that all three of them made some
10 level of admissions in these interviews and were arrested?

11 A Yes.

12 Q Either late on the 27th or early in the morning
13 on April 28th, correct?

14 A Correct, yeah.

15 Q All right. Where were they -- what were they
16 charged with? Where?

17 A So Amanda, Anita and Anthony were all arrested
18 and charged in the state in Auglaize county with aggravated
19 murder. They were held at the Auglaize County Jail.

20 Q All right. At some point, obviously, they came
21 up to federal court. Do you recall approximately when that
22 was?

23 A On May 2nd, a federal criminal complaint was
24 filed. They were transferred to federal custody and
25 transported to Toledo for their initial appearance.

1 Q As you sit here today, do you have an
2 understanding about how these cases resolved?

3 A Yes.

4 Q And, in particular, Anita Green pled guilty,
5 correct?

6 A Anita Green pled guilty on October 17th of 2023.

7 Q And how about Amanda Hovanec?

8 A Amanda Hovanec pled guilty on February 14th of
9 2024.

10 Q At that time, had Mr. Theodorou entered a guilty
11 plea?

12 A Not yet.

13 Q All right. Did you have an opportunity, however,
14 to talk to him again in February of 2024?

15 A Yes.

16 Q And what were the circumstances of that?

17 A We conducted proffer interviews of Mr. Theodorou.

18 Q Okay. Was his attorney present?

19 A Yeah. So a proffer interview is essentially
20 where the defendant is interviewed in the presence of their
21 attorneys. Prosecutors are there. It's a situation --
22 it's basically an interview where they have more
23 information to provide.

24 At the onset of the interview, a letter is
25 provided to the defendant and their attorney, which

1 essentially lays out the rules of the interview stating
2 that if they are truthful in their interview, none of the
3 information that they provide can be used against them.

4 Q If I heard you correctly, Mr. Theodorou made
5 significant admissions during his initial interview
6 inculcating himself?

7 A Correct.

8 Q However, you agreed to sit down and proffer with
9 him?

10 A Yeah.

11 Q And why was that?

12 A He had more information to tell. We wanted to
13 hear it.

14 Q What's the more information as it relates to
15 Amanda Hovanec?

16 A Well, about July of 2021, Amanda contacted
17 Anthony and asked Anthony if he knew of anyone who would
18 kill someone. It was about an hour and-a-half
19 conversation, and at some point in the interview or in the
20 phone call, Theodorou realized that that someone was Tim.
21 He told her he didn't know of anyone, but he would ask
22 around.

23 Q Did he ask around? Did he tell you whether he
24 asked around?

25 A He did.

1 Q All right.

2 A He -- he queried one of his close friends, a
3 gentleman by the name of Ronny Collins. He asked Ronny if
4 he knew of anyone who would kill someone. Ronny appeared
5 to not want anything to do with that, told him that's
6 ridiculous, then he dropped it and never brought it up with
7 Ronny again.

8 He got ahold of another associate, a friend
9 of his, and asked him the same question if he knew of
10 anyone that would be willing to kill someone, and that
11 person said they might know someone.

12 A while later, that associate contacted
13 Anthony and said he had found someone willing to do it.
14 There was conversations, discussions between Amanda,
15 Anthony, and this we'll call him hitman 1, and at some
16 point, hitman 1 found out that Tim worked for the U.S.
17 Government and he backed out. And that was the end of
18 hitman 1.

19 Anthony went back to his associate, and he
20 asked his associate if he could find someone else, and he
21 said that he could. He found a second person we'll call
22 hitman 2, and hitman 2 wanted 100,000 rand South African
23 payment with 50,000 up front. Theodorou took cash that he
24 had on hand, traveled and provided it to the associate, who
25 then gave the money to hitman 2. At that point, they never

1 heard from hitman 2 ever again.

2 Theodorou went back to his associate, and he
3 then became hitman 3. The associate and Theodorou -- the
4 associate told Theodorou about M99, told him it's used
5 for -- as a tranquilizer on large animals, and he told him
6 that it's devastating to humans, and he was the one who
7 secured the M99. He was the one who gave it to Theodorou
8 and planned to fly to the U.S. with Theodorou in April of
9 2022 to kill Tim. He was going to fly into Columbus and
10 drive from Columbus to Virginia, murder Tim, and fly back
11 to South Africa.

12 About a week before he was set to travel, he
13 backed out and didn't go.

14 Q Is it your understanding, based upon this
15 information that Mr. Theodorou provided you in February of
16 this year, that this associate, who became hitman 3, was
17 aware of what the M99 he obtained and gave to Mr. Theodorou
18 was going to be used for?

19 A He was absolutely aware of it. He planned to
20 have it shipped to Amanda, and then he would collect it
21 from Amanda when he came to the U.S. to kill Tim.

22 Q Did Mr. Theodorou indicate to you what he did
23 with the M99 once he got it?

24 A Sure, yeah. So he shipped it to Amanda, and
25 prior to shipping it, he met up with this associate, also

1 hitman 3, collected it, and Amanda had directed him to ship
2 it via DHL.

3 Mr. Theodorou contacted DHL, and they said
4 that he can't ship liquids internationally. He relayed
5 this information to Amanda, who told him that she had
6 shipped -- a friend had shipped her perfume while she was
7 abroad in the past and all he had to do was conceal it
8 within something else and not list it on the manifest and
9 he would be able to get it through.

10 So, at some point, Theodorou and associate,
11 his associate gathered a spare metal part that was long and
12 cylindrical, it had a threaded top that unscrewed, and
13 there was a void inside just about the size of the vial,
14 the glass vial containing the M99. They concealed it
15 inside, screwed the top back on, and he mailed it out on
16 February 22nd along with several other items in the package
17 to include clothing, jewelry, a hookah pipe.

18 Q Did Mr. Theodorou ever explain to you why, first
19 of all, whose idea was it to hire a hitman, according to
20 him?

21 A Anita -- Amanda's.

22 Q And did he ever explain to you why, after the
23 first one dropped out, why he attempted to locate
24 additional persons?

25 A Yeah. All of this was he was being directed by

1 Amanda.

2 Q And if I heard you correctly, he also told you
3 that the reason he shipped the item in DHL and concealed it
4 in the way that he did is because that's what Amanda
5 Hovanec directed him to do?

6 A Yes.

7 Q Did Mr. Theodorou provide more details about the
8 weekend of the murder itself in April of 2022?

9 A He did, yeah.

10 Q Specifically, as it relates to Amanda, what new
11 information did he provide you?

12 A So Anthony didn't go to the hearing on April 22nd
13 when Tim was granted immediate custody of the children
14 starting that night. He picked up the girls from school.
15 When he came back to Anita's house, he saw Samantha, Anita
16 and Amanda in the kitchen talking.

17 Q Who is Samantha?

18 A Samantha would be Amanda's sister.

19 Q Okay.

20 A Theodorou said that Amanda was visibly upset. He
21 went and settled the girls down and he came back into the
22 kitchen and he heard Amanda say that she was going to kill
23 him. She was going to kill Tim. And Anthony asked her
24 what was wrong, and Amanda said it doesn't matter, I'm just
25 going to kill him.

1 Q Mr. Theodorou tell you who was present when
2 Amanda made this statement?

3 A Anita Green and Samantha, her sister.

4 Q Did he provide you any additional information as
5 it relates to the burial location of Mr. Hovanec?

6 A Yes, he did. The following day, on Saturday, the
7 23rd, Anita, Anthony and Amanda were having dinner, and the
8 discussions were about where they were going to bury Tim's
9 body. And, actually, let me back up just a moment there.

10 So Theodorou said that on Saturday in the
11 afternoon, Anita had taken Amanda for a ride. And about
12 45 minutes after they left, they returned. Amanda told
13 Theodorou that Anita had shown her an area, a pond that
14 Anita knew was going to be filled in with soil.

15 And so now fast-forward to the dinner on
16 Saturday night, they are discussing this pond as a place
17 where they were going to dispose of Tim's body. Theodorou
18 told everyone that wasn't a good idea to put him in the
19 pond. Even if they were going to fill it with soil, you
20 would have to weigh the body down. The pond is close to
21 the road. If those weights break free, the body would
22 float to the surface. So, ultimately, they decided that
23 they would bury his body in the north in the woods where,
24 ultimately, his body was buried.

25 Q He previously told you in his initial interview

1 that Anita Green had driven he and Amanda to the grave site
2 after the murder when they buried Mr. Hovanec's body,
3 correct?

4 A Correct.

5 Q Did he provide you with any additional
6 information about Anita Green's involvement during the
7 proffer?

8 A Yeah, he said that, after that dinner, Anita
9 drove them to dig the grave. The same plan as far as when
10 they dropped off and buried Tim's body that no cell phones
11 would be used, that every hour, on the hour, Anita would
12 return, and if they weren't standing down by the road that
13 she would come back an hour later.

14 He also said that Anita provided them with
15 shovels, Anita provided them with bibs and rubber boots.

16 And he provided information that said Anita
17 was present on Sunday when they loaded Tim's body into
18 Amanda's Honda Pilot.

19 Q Are you saying that Mr. Theodorou told you that
20 the grave was dug in advance of the murder?

21 A Yes.

22 Q Did you have an opportunity, after receiving this
23 additional information from Mr. Theodorou, to attempt to
24 corroborate any of it?

25 A Yeah.

1 Q All right. What, specifically, were you able to
2 corroborate or what were you looking at to corroborate?

3 A Well, aside from his corroboration of where he
4 took us to where the body was, we reviewed his cell phones,
5 and there was a massive amount of WhatsApp messages between
6 Anthony and Amanda dating all the way back to around 2019
7 when they met.

8 Q All right.

9 Let's pull up, if we can, Exhibit 16. And,
10 yeah, we are probably going to have to zoom in on each one.
11 Yes, please. Or even a couple at a time and see what that
12 looks like.

13 Can you read those okay, Agent Eilerman?

14 A I can.

15 Q Okay. Are these messages from Mr. Theodorou's
16 phone?

17 A They are.

18 Q Okay. And who are these messages between?

19 A So the top left, where you see a 419 number, that
20 is going to be Amanda. And her name in their next threads
21 was Kitty. And the bottom right, the green messages, are
22 going to be from Theodorou.

23 Q Okay. When you say Kitty, is that a pet name?

24 A Yes.

25 Q Okay. And was there a similar pet name that

1 Amanda Hovanec had for Anthony Theodorou?

2 A Yes, it was Puppy.

3 Q All right. Thank you.

4 So these messages, it appears to me, are
5 from July 13th of 2021; is that correct?

6 A Yes.

7 Q Okay. And did you find in your review that these
8 messages appeared, similarly to the dash cam videos, to be
9 accurate with regards to the date and time?

10 A Yes.

11 Q Okay. So, if you can, let's just start here with
12 this initial message from Ms. Hovanec.

13 A Amanda says, quote, "Can you promise me that
14 you'll still go the hunting farm this weekend even if I'm
15 not there?" End quote.

16 Which Anthony responds, quote, "Can't make
17 that promise." End quote.

18 Q Okay. Give us a little context here. What's the
19 hunting farm? What's she asking here?

20 A Hunting farm is where his associate and hitman 3
21 live.

22 Q Okay.

23 Go to the next set of messages.

24 A So continuing the conversation, Amanda says,
25 quote-unquote, "Why."

1 And Theodorou responds, quote, "Because I
2 don't want to go if you not here." End quote.

3 Q All right.

4 Next page, please.

5 A Continuing. Amanda says, quote, "Yeah but I want
6 to know if plan b is possible." End quote.

7 Q And according to Mr. Theodorou and your
8 conversation with him, what was plan b, generally speaking?

9 A Plan b would be the hitmen, to hire hitmen.

10 Q And who is asking if they want to know if that's
11 an option?

12 A Amanda.

13 Q Okay. And what does Mr. Theodorou respond?

14 A He says, quote, "I'll follow up with him." End
15 quote.

16 To which Amanda replies, "Ok."

17 Q Okay. And what does Mr. Theodorou say?

18 A Theodorou says: But no point going up there if
19 you're not here.

20 Q Okay. Next page, please.

21 A Amanda says, "Well there is if you're able to
22 talk to him and get more information then you would by
23 phone."

24 To which Theodorou replies, "Yea I guess
25 so..I'll see how things go."

1 Amanda replies: "Ok."

2 Followed by another message from Amanda that
3 says, "Sorry puppy. I just want this to all be different
4 for all of us and that's the only way I know how. And I
5 want to change it now. Not wait while the girls keep
6 getting fucked over."

7 Q Okay.

8 Next page.

9 A Theodorou responds in the same text string, "I
10 know..thats why it would be best for you to be here to
11 speak to him directly..even if you here for a few days."

12 Amanda replies, "What am I supposed to do
13 about the girls?"

14 Theodorou responds and says, "Wait and see
15 what your attorney says" tomorrow. He abbreviates
16 tomorrow.

17 Amanda responds, "And if he says I can go
18 pick them up?"

19 Theodorou says, "Then you go pick them up."

20 Amanda says, "So then would you talk to the
21 guy for me?"

22 Theodorou says, "Ya I will."

23 Theodorou says, "But you the one that has
24 all the details and questions."

25 To which Amanda responds, "Ok. You can

1 always video call me so I can be apart of it too."

2 Theodorou responds, "K."

3 Q And then this message appears to be from a
4 different date, on July 22nd, about a week later, correct?

5 A Correct.

6 Q And this is a message from who to whom?

7 A This is a message from Theodorou to his
8 associate, hitman 3.

9 Q All right. And what does it say?

10 A It says, "I know you lost signal your end..but we
11 can come up whenever you not busy with things. Oom.
12 Amanda also wants to check out" -- I can't read that --
13 "Mooivalei and see your" -- "and see your set up there and
14 then we can speak properly about all the other things."

15 Q Did you have the opportunity to ask Mr. Theodorou
16 about these messages?

17 A Yes. He said --

18 Q And go ahead.

19 A That was in reference to discussions with his
20 associate regarding Amanda's desire to hire a hitman and
21 kill Tim.

22 Q Okay.

23 And Exhibit 17, please.

24 Did you find additional messages in support
25 of that plan?

1 A Yes.

2 Q All right. These messages appear to be from
3 August 11th of 2021; is that correct?

4 A Correct.

5 Q And, again, blue is Ms. Hovanec, green is
6 Mr. Theodorou; is that accurate?

7 A I don't believe this is Ms. Hovanec.

8 Q I'm sorry. Tell me who it is then?

9 A This is going to be hitman 3, also, the associate
10 of Theodorou. And he says, "Where in the states is he?"

11 Theodorou responds, "He's residence is in
12 Virginia but he has to go to Ohio to pick up the girls."

13 Q And what are we looking at here?

14 A It's going to be another conversation between the
15 same two, Theodorou and his associate, also hitman 3.

16 Theodorou states, "Hey Oom. Sorry if you are busy. Just
17 wanted to find out if you've heard back from him yet?"

18 "Him," Theodorou said, would have been the
19 hitman, one of the proposed hitmen.

20 To which associate 3 forwards a text I
21 believe to Theodorou, and it says, "Hi Craig. Don't you
22 mind calling Anthony."

23 Q Okay. And next page, please?

24 A To which it's also a forwarded text sent from
25 associate, slash, hitman 3 to Theodorou said, "Not today.

1 Still pondering."

2 Q And then what is this at the bottom?

3 A That's a representation of a monetary, the
4 South African form of currency is called the rand, so that
5 says 7,500 rand.

6 Q Okay. And the date of these messages is now in
7 January, correct?

8 A January 26th of 2022.

9 Q And who were these messages from?

10 A This is a message from the associate, slash,
11 hitman 3 when he says, "About a quarter of a full bottle."

12 Q Similarly, did you ask Mr. Theodorou about these
13 messages in the subsequent interview?

14 A Yes.

15 Q And what did he tell you they represent?

16 A These were referencing the M99 and how his
17 associate was able to get a vial containing about a quarter
18 of the liquid of the M99, and then the 7,500 rand was the
19 cost for the M99.

20 Q Were you able to obtain any corroboration from
21 Mr. Theodorou's statements that he shipped the M99 after
22 receiving it from South Africa or in South Africa to
23 Ms. Hovanec?

24 A Yes, we reached out. I reached out to a United
25 States Postal Inspector who works closely with Customs and

1 Border Protection Agent who was able to monitor inbound
2 shipments into the U.S. And he located a DHL package that
3 was delivered to 19423 Middle Pike Road on March 1st of
4 2022.

5 Q All right.

6 Let's pull up Exhibit I guess it's 18,
7 please. And what are we looking at here?

8 A So this is going to be the waybill for the
9 package that was shipped by Anthony Theodorou to Amanda
10 Hovanec, which contained the M99.

11 Q And what's the date, please, that this was
12 shipped?

13 A The date this was shipped was on February 22nd of
14 2022.

15 Q Okay. And the next page.

16 Then what is this?

17 A This is going to be the manifest of what was
18 claimed to be inside. And what was claimed was clothes,
19 four items, a metal bookmark, a Shinelife hookah nozzle
20 bead.

21 Q Next page, please.

22 A A galvanized metal African decorative paper,
23 necklaces, Lovisa jewelry times four, and E-Z Lock bag
24 sealers.

25 Q Okay.

1 Next page.

2 And what is this?

3 A This is the identification that was shown when
4 the package was shipped at DHL.

5 Q And --

6 A That's Anthony Theodorou's ID.

7 Q Thank you.

8 Next page.

9 What is this?

10 A This is going to be the custom's clearing. Since
11 it's leaving one country and coming into another, this
12 paperwork had to be filled out. And it shows the shipper's
13 name is Anthony Angelo Theodorou, and it provides his
14 address, contact phone number, and then email, and then
15 consignee, or recipient's name, as Amanda Leigh Hovanec,
16 19423 Middle Pike Road, Wapak, Ohio, provides her phone and
17 an email.

18 Q And any corroboration that the package was
19 actually received by Amanda Hovanec in Wapakoneta, Ohio?

20 A Yes.

21 Q Next page, please. You have to go up. Thank
22 you.

23 A It shows that the package was delivered on
24 March 1st of 2022 and was received by Amanda Hovanec.

25 Q You are familiar, as the case agent, no doubt,

1 with the content of the interviews and the evidence,

2 generally, of the entire investigation, correct?

3 A Yes.

4 Q Okay. Based upon that knowledge, can you tell
5 the Court who injected Tim Hovanec with M99 on April 24th
6 of 2022?

7 A Amanda Hovanec.

8 Q Who rolled his body into the garage after he was
9 dead?

10 A Amanda Hovanec.

11 Q Who wrapped his body in plastic before getting
12 help to load it into her car?

13 A Amanda Hovanec.

14 Q Who asked Anita Green to drive Tim's body to the
15 grave site?

16 A Amanda Hovanec.

17 Q Who disposed of Tim's car after the murder?

18 A Amanda Hovanec.

19 Q Who disposed of Tim's phone and his personal
20 property after the murder?

21 A Amanda Hovanec.

22 Q For the record, was Amanda Hovanec still lawfully
23 married to Tim Hovanec at the time of the murder?

24 A Yes.

25 Q You are aware, as the case agent, that Amanda

1 made a claim during the investigation that Tim was abusive
2 to his children, correct?

3 A Correct.

4 Q What, specifically, was the claim, to your
5 knowledge?

6 A The claim was on November 7th of 2021, Tim had --
7 was returning the girls from a weekend visitation. After
8 he returned the girls, Amanda was giving their oldest
9 daughter a bath, and she noticed bruising on the daughter's
10 torso and she also noticed bruising on her elbow and the
11 back of her leg. Amanda contacted law enforcement later
12 that night to file a report.

13 Q And what is the date and time of the report?

14 A That was 11:51 p.m. on November 7th, 2021.

15 Q Did you have an opportunity to look into the
16 allegation and, specifically, the report that was made?

17 A I did, yes.

18 Q All right. Tell us what you did.

19 A Auglaize County Sheriff's Deputy Mickie Grothause
20 responded, and he interviewed, he conducted an
21 investigation to include interviewing the daughter. He
22 took photographs and he asked the daughter what had
23 happened, and the daughter told him that her and one of her
24 sisters were like jumping on a bed making a commotion and
25 it upset Tim and he yelled at them and picked up the oldest

1 daughter by the torso and set her down in a chair.

2 Q Now do you know that because you read that in a
3 report?

4 A Yes.

5 Q Any other reason that you know that?

6 A We interviewed the Sheriff's -- the Deputy,
7 Mickie Grothouse.

8 Q And did you ask him, specifically, about that
9 statement that the daughter made?

10 A Yes.

11 Q And did he stand by that?

12 A Yeah, absolutely.

13 Q In fact, the report indicates that he
14 specifically asks the child if she was thrown into the
15 chair or sat on the chair, correct?

16 A Correct.

17 Q And he confirmed that she said that she was sat
18 in the chair?

19 A Correct.

20 Q Okay.

21 Did you have an opportunity to review the
22 photographs with the alleged injuries?

23 A Yes.

24 Q Okay.

25 Pull up Exhibit 20, please.

1 All right. What are we looking at here on
2 page 1?

3 A This is a photograph depicting what appears to be
4 some mild bruising on their oldest daughter.

5 Q Okay.

6 Page 2, please.

7 What are we looking at here?

8 A This is -- it's going to be their oldest
9 daughter's torso, and you can see some bruising on the
10 torso.

11 Q Okay.

12 Page 3?

13 A This has -- this would be a bruise on the elbow
14 of the same child.

15 Q Okay.

16 And page 4?

17 A This is the child where those photos were taken.

18 Q So that photo of the child at the time the photos
19 were taken?

20 A Yeah.

21 Q All right.

22 Thank you, you can take that down.

23 After taking the report and these
24 photographs, what did Deputy Grothause do?

25 A Well, as a sheriff's deputy, they are a mandatory

1 reporter, so he referred the incident to the Auglaize
2 County Children Services and they took all the information
3 and they decided not to screen the case in.

4 Q Now do you know that from reviewing reports or do
5 you know that for another reason?

6 A Well, reviewing reports and interviewing Seth
7 Bowersock, who was the supervisor at Auglaize County
8 Children Services.

9 Q Was he the supervisor on call on the evening this
10 report came in?

11 A Yes.

12 Q All right.

13 What did Mr. Bowersock tell you about the
14 report and Children Services' position with regard to it?

15 A He indicated that he reviewed all the information
16 and they decided not to screen it in based on the fact
17 that, to them, it didn't appear to be abuse. There was no
18 history of abuse. The child, in fact, claimed that it
19 wasn't abuse, and the fact that Tim and Amanda were going
20 through a divorce.

21 Q Now this report came in in November I believe you
22 said 7th of 2021?

23 A Yes.

24 Q What was going on with the divorce and custody
25 case at that time?

1 A They had -- in September of that same year, they
2 had agreed on a shared parenting plan.

3 Q They had agreed on a shared parenting plan to
4 share visitation or custody of their children?

5 A Yeah. Essentially, the shared parenting plan,
6 both Tim and Amanda had agreed on a certain schedule on
7 which parent would have custody of the children and when.

8 Q Okay.

9 Let's pull up Exhibit 21, please.

10 And is this a copy of that court notice?

11 A It is.

12 Q Okay. And what's the date there, please? Top
13 right?

14 A Filed on September 13th of 2021.

15 Q Okay. And read the last sentence on this page,
16 please.

17 A At the time of the agreement of the parties was
18 read into the record, both parties were advised of their
19 rights, and both parties acknowledged the agreement and
20 wished for --

21 Q Next page, please.

22 A -- the Court to approve the shared parenting plan
23 as the same being in the best interest of the minor
24 children. As a result, the parties have agreed that the
25 guardian ad litem investigation be suspended, and his

1 obligation to complete a written report also suspended
2 until further order of the Court.

3 Q The document appears to be signed by Ms. Hovanec,
4 Mr. Hovanec, and the guardian ad litem?

5 A Correct.

6 Q So then September of '21, it appears that they
7 had resolved at least the custody issues with regard to the
8 children?

9 A Yes.

10 Q Okay.

11 In going through the cell phone
12 communications, did you find other messages, post shared
13 parenting plan, about the terms of that agreement?

14 A Yes.

15 Q All right.

16 Let's pull up Exhibit 22, please.

17 And what are we looking at here, Special
18 Agent Eilerman?

19 A It's a WhatsApp text conversation between Amanda
20 and Anthony. Again, blue will be representing Amanda.
21 Green will be representing Anthony. This is dated
22 November 2nd, 2021, and reads as follows:

23 This is from Amanda: And the best part of
24 the conversation with him was that he had said that because
25 Tim had failed to put any relocation clause into the plan

1 that there was nothing stopping me from moving the girls --
2 moving with the girls. I only have to submit an intent to
3 relocate with the courts and they send him a notification,
4 parentheses, which he can try to file a motion to if he
5 really wanted to, end parentheses, but as long as I show
6 that his visitation rights won't be hindered, then they
7 won't reopen the case.

8 Q Okay. And a subsequent message a few minutes
9 later?

10 A So it says: We believe that it only pertains to
11 relocation inside the country as of now, but may be able to
12 file for outside the country as well. He was going to look
13 into more.

14 Q Okay. And Mr. Theodorou's response?

15 A That would be amazing. Definitely let me know
16 what he finds out about it, and if relocation abroad will
17 be possible under the parenting plan that he submitted.

18 Q Okay.

19 Next page, please.

20 A We are now on November 4th of 2021. This message
21 is again from Amanda. It says:

22 Also, the house appraisal came in this
23 morning for the joint property in Maryland as it was valued
24 at 100,000 more than what we purchased it for. Tim is
25 honestly going to shit himself with how much he'll have to

1 pay me. It will definitely pressure him more to settle for
2 us to relocate and he keep finances.

3 Q All right.

4 After the report came in of alleged abuse on
5 November 7th of 2021, presumably, the Court was notified?

6 A Yes.

7 Q All right. Guardian ad litem reappointed, to
8 your knowledge?

9 A Yes.

10 Q Okay.

11 Was there anything else that you did as part
12 of your investigation to try and run aground and determine
13 whether there was any truth to Amanda Hovanec's allegations
14 that Tim was abusive to the children?

15 A Yes. So Amanda and Tim lived and worked in
16 Victoria, South Africa, and prior to that, in Frankfurt,
17 Germany. So myself, two State Department agents and a
18 deputy from Auglaize county traveled to Victoria and then
19 Frankfurt, and we conducted numerous interviews of
20 associates, friends, co-workers. And there was absolutely
21 no discussions about abuse of the children.

22 Q At any time during your investigation, were you
23 able to locate any reports filed by Ms. Hovanec alleging
24 abuse against either her or the children from their father?

25 A Aside from the one we discussed, no.

1 Q During any of your interviews there in Germany
2 and in South Africa, were you able to identify anyone who
3 gave you even cause for concern to think that there might
4 be some truth to the allegation of abuse?

5 A No.

6 Q Okay. With no credible finding to the
7 allegations, what, in your opinion, as you sit here today,
8 was a motive for Ms. Hovanec to commit this crime?

9 A The motive to kill Tim was so Amanda could move
10 with her children unimpeded to South Africa and live a life
11 with Anthony Theodorou.

12 Q What do you base that on, agent?

13 A My investigation, what we reviewed in text
14 messages, discussions with, interviews with Theodorou.

15 Q Let's take a look at Exhibit 23, please.

16 And what are we looking at here?

17 A So this is -- these are text messages from Amanda
18 Hovanec in late 2019, December 12th to be exact, where
19 Amanda's responding to someone, and she says: I don't want
20 to settle down in the states. I have no idea where I want
21 to settle down, but I know that the states have never felt
22 like home for me.

23 The second text message is going to be dated
24 April 13th of 2021. It's titled: Kitty. We know that's
25 Amanda. There's a subtext in there that she's responding

1 to that says: I'm still missing you a fuck load more.

2 Sometimes it gets a point where I start to feel sick.

3 That's presumably from Anthony Theodorou.

4 To where her response is: Same. I can't
5 wait for this to all be over and we just focus on our life
6 together.

7 Q What about this one from May 11th of 2021?

8 A It's from Amanda. It says: Random times. But
9 it happens often enough. They always ask about our future
10 wedding. If we'll ever live -- if we'll ever live with
11 you. When you'll come visit. If they can come visit you.
12 When will we have a baby so they can help take care of it.
13 And whenever we talk about family, they always say that,
14 one day, you'll be a part of ours, too.

15 Q All right.

16 Next, page.

17 A June 3rd, 2021, from Amanda. It says: Truth.
18 Would you still want to have a baby together even if the
19 girls and I couldn't live in South -- S.A., referring to
20 South Africa -- with you.

21 Q Okay.

22 Next page. You can highlight all of these,
23 please. Yep.

24 What are we looking at here?

25 A Dated June 7th of 2021. The photo was basically

1 a notice of rescheduling of pretrial hearing to
2 September 20th of -- actually, to July 12th of 2021.

3 Q So their custody hearing as been kicked?

4 A Pushed, yes.

5 Q Okay. And what does Ms. Hovanec say about that?
6 I believe it's in the title of the text message?

7 If you need her to make that bigger, just
8 let us know.

9 A I'm not seeing.

10 Q Go ahead and just --

11 A Okay. Yes, can you zoom that in a little bit?
12 Okay. I think I got it.

13 It says: Seriously, the shit will never
14 end.

15 To which Mr. Theodorou responds: What was
16 the reason now for them to change it to September?

17 Q Okay.

18 Next page, please.

19 A Amanda responds and says: No idea.

20 And Mr. Theodorou says: I'm sorry, my baby.
21 I want this all to end as much as you do.

22 Q And just to be clear, the timing of these
23 messages is in June of 2021, correct?

24 A Yes.

25 Q Which you now know was approximately a month

1 before you found corroboration on the phone that she wanted
2 to hire a hitman?

3 A Correct.

4 Q Thank you.

5 Next page.

6 A So in response to the last text that I read from
7 Theodorou, Amanda says: Thanks, Puppy. I know you do.

8 To which Theodorou responds: I really wish
9 I could be there for you. It kills me to know that I'm not
10 next to you right now.

11 Amanda responds and says: How am I supposed
12 to last another fucking year doing this? I seriously want
13 to scream.

14 Q Next page, please.

15 A Text from Amanda dated June 9th of 2021: I'm
16 sorry I disappoint you, and if me being stuck here is my
17 life moving forward, then I honestly don't know what I have
18 to offer you. I feel like I'm in one of those moments
19 where you know you have to let someone go in order for them
20 to live a happy life and not a miserable one. Sent to
21 Anthony Theodorou.

22 And the next text, immediately following,
23 says: But I'm not brave enough to let you go.

24 On September 10th of 2021, Amanda says: No,
25 I promise I'm not. The girls and I pass on it -- pass it

1 on the way to school and I was curious to see what it
2 looked like inside, so I took the pictures to Google -- to
3 Google it and check out the photos online. It's cute, but
4 I'm definitely not for real looking for any houses until
5 after the final verdict regarding divorce, slash, custody
6 and having your input on the matter as well.

7 Q Next page.

8 And what is his response to her -- I'm
9 sorry -- yeah, his response is?

10 A Theodorou responds and says: Okay, I was just
11 checking, L-O-L, but yeah, let's wait to see how the court
12 case goes. I'd rather we look for a house here for all of
13 us.

14 To which Amanda replies: Of course.

15 Q Next page.

16 Now these messages appear to be in April of
17 2022, correct? Just a few weeks before the murder?

18 A This -- this, yes, April 8th of 2022.

19 Q Okay.

20 A This is from Theodorou to Amanda and it says:
21 Please ignore me tonight. I'm just in a bit of a mood
22 because I'm honestly really missing you. I get to a point
23 where I don't know what to do with myself because I just
24 want to be next to you. And then after the comment you
25 made about South American food and me going there to see

1 you, it just put such a damper on the whole situation. I
2 don't want to be far away from you. I want you every day,
3 forever, and if I can't get that, it will honestly kill me.

4 Amanda's response is: I'm really missing
5 you, too, Anthony. Way too much. I don't want to be away
6 from you, either, and I hate it. I hate that we can't
7 experience everything together and live every moment
8 together, and I hate it even more fighting with you when
9 you are so far away. It was much easier arguing with you
10 in person and still being able to hold your hand and kiss
11 your lips, then do naughty things with you afterwards.

12 Followed by, from Amanda: I wish I were
13 there to put your mind at ease and remind you of how much I
14 love you and that you are stuck with me for eternity.

15 Theodorou responds: I just don't want it
16 like this.

17 Q Next page?

18 THE COURT: Could we maybe do that half at a
19 time? It's too hard --

20 MS. STERLING: Too hard to read? Sure.

21 THE COURT: It's a vision test for
22 everybody.

23 A So Amanda is responding to a text from Anthony,
24 and Anthony subtexts within her text, says: No, not
25 really. Every conversation, everything I think about just

1 makes me miss you so much more. I know I haven't seen you
2 for a day, but it's really killing me inside.

3 To which Amanda responds: I hate it more
4 than you do.

5 And then in response to Theodorou's text,
6 where it says I just don't want it like this, Amanda says:
7 What do you want me to do? I'm trying everything I can to
8 change it.

9 Q And the next page, please, last page.

10 Just one at a time.

11 A On April 9th of 2022, Amanda says to Theodorou:
12 I miss having the conversations in person and being able to
13 touch and feel you whenever I want just as much, if not
14 more, than you do. I can't wait until our life is
15 different and we finally get to live it the way we want.

16 April 9th, Theodorou responds: I hope you
17 enjoy your dinner tonight and that the girls make their way
18 outside to burn a bit of energy off. But you can also tell
19 the girls that they all have to finish their dinner tonight
20 if they want me to come and give them all hugs. I can't
21 explain to you how much I miss you, Amanda. Just typing
22 this message out is bringing literal tears to my eyes. I
23 hate feeling like this where I know everything I want in my
24 life is halfway across the world. Just know that I'm
25 always longing to have you next to me where I feel like I'm

1 the luckiest person alive and that I'm on top of the world.
2 Everything just seems so perfect when we together. I love
3 you more than words could ever explain, or more than I
4 could ever show you. You are my everything and always will
5 be.

6 And response from Amanda: I both hate and
7 love when you're like this. I love everything you say as
8 far as wanting to be next to me more than anything and
9 missing me like crazy, but I hate that you're so sad and
10 upset over it, and I wish I could change it. I hate being
11 away from you just as much as I cannot wait for the day
12 that we get to spend our life together and never have to
13 say goodbye or be apart longer than we want to. I love you
14 with all my heart, Anthony. Always and forever. I hope
15 you sleep well -- I hope you sleep well, handsome man.

16 Q Fair to say they were in love?

17 A Yes.

18 Q Thank you.

19 MS. STERLING: If I could just have a
20 moment, Your Honor.

21 (Pause in the proceedings.)

22 No further questions of this witness. Thank
23 you.

24 THE COURT: I think this would be a really
25 good time to take about a ten-minute break.

1 MR. KLUCAS: That's a-okay with us.

2 THE COURT: And I would say five, but there
3 is so many people here and for the bathrooms.

4 Folks, there's bathrooms on this floor and
5 down -- the floor below us is a mirror image of this floor,
6 so there's restrooms out this door and to your left and
7 also down the stairway in the same location by the
8 elevators if you use those.

9 So we'll be in recess until --

10 MR. KLUCAS: Judge?

11 THE COURT: Yes? 11:30?

12 MR. KLUCAS: It's already 11:30. Could I
13 just maybe get a few more minutes than ten? I'm going to
14 have to move some things. I don't know when we are going
15 to be done here. I'm running into a conflict.

16 THE COURT: So how long do you need,
17 Mr. Klucas?

18 MR. KLUCAS: Like 15 is fine.

19 THE COURT: So 11:35?

20 MR. KLUCAS: That's fine.

21 THE COURT: Okay. I would ask, please don't
22 have any conversations with the agent while we are on break
23 about anything about the case. I mean, you can ask him
24 where he got his tie or something, but don't talk to him
25 about the case, please.

1 MS. STERLING: Understood.

2 THE COURT: Okay.

3 We'll be in recess.

4 MS. STERLING: Thank you.

5 (Whereupon, a break is taken.)

6 - - -

7 (Proceedings resumed in open court.)

8 THE COURT: Okay.

9 Mr. Klucas?

10 MR. KLUCAS: Yes.

11 THE COURT: Proceed.

12 MR. KLUCAS: Thank you, Judge.

13 THE COURT: And that stand will rotate
14 45 degrees if you want to turn a little bit towards him.

15 MR. KLUCAS: We'll see how it goes.

16 THE COURT: Okay.

17 MR. KLUCAS: It's my first go round with the
18 new podium, so.

19 THE COURT: It will go up and down and it
20 will rotate 45 degrees towards him if you get tired of
21 whipping your neck around, so.

22 MR. KLUCAS: All right.

23 THE COURT: And if you want to move around,
24 I got to put a wireless mic on you.

25 MR. KLUCAS: No, I'm going to stay put.

- - -

CROSS EXAMINATION

BY MR. KLUCAS:

Q I think it's still morning. Good morning.

A Good morning, sir.

Q It's Eilerman?

A Yes.

Q Okay. Agent Eilerman, you started your direct testimony for Ms. Sterling by indicating you had been with the FBI for 16 years?

A Yes.

Q Okay. In April of 2022, what were your duties with the FBI?

A I was the coordinator and still am the coordinator of the Northwest Ohio Safe Streets Task Force, which is a drug and violent crime task force in Lima.

Q All right. And in the context of those duties, do you have the opportunity to investigate a lot of murder cases?

A I would say no.

Q Okay. And you would agree with me that this is a homicide case, right?

A It is, but, at the time, we weren't aware that it was a homicide when we initially got involved.

Q Okay. I'm with you. I didn't ask you that,

1 though, right? You would agree with me today that this is
2 a homicide case?

3 A Yes.

4 Q All right.

5 I want to ask you some questions about the
6 course of the investigation, all right?

7 A Okay.

8 Q I think you testified that on April 25th, in the
9 afternoon, that the hotel had contacted local law
10 enforcement about a guest who had overstayed?

11 A Correct.

12 Q All right. And that guest was Mr. Hovanec?

13 A Yes.

14 Q And that would have been at shortly before 2 p.m.
15 that day?

16 A I don't recall the specific time when they
17 contacted Wapak Police Department.

18 Q Okay. But you would agree with me that it was on
19 the 25th?

20 A Yes.

21 Q All right. And I think you indicated that after
22 the hotel had contacted local law enforcement, that they
23 had asked the sheriff's deputies to go out to where
24 Ms. Green and Amanda lived?

25 A Correct.

1 Q And they did that?

2 A Yes.

3 Q All right.

4 And then as the investigation developed, you
5 indicated you had submitted exigent requests to Verizon?

6 A I think it was T-Mobile.

7 Q If your probable cause affidavit says Verizon,
8 would you agree with that?

9 A If that's what it says, yeah.

10 Q Okay. Let me, because I'm not trying to trip you
11 up here, let's phrase the question like this. You had
12 submitted exigent requests to Mr. Hovanec's cellular
13 provider?

14 A Correct.

15 Q Whoever it may have been?

16 A Yeah.

17 Q All right. And when you asked for that sort of
18 information, that's not information indicating what tower
19 the phone's hitting off of, right?

20 A Correct.

21 Q That's location data that is kept by the provider
22 themselves?

23 A Yes.

24 Q And that location data I believe is expressed in
25 longitude and latitude?

1 A Yeah. I'm not an expert on that, but yes, that's
2 how the numbers are given to us.

3 Q Okay. And so this is going to be a far more
4 precise exercise than just what tower they are hitting off
5 of?

6 A Yes.

7 Q And, again, that information is maintained by the
8 provider?

9 A Correct.

10 Q Only the provider can get rid of that
11 information?

12 A Yes.

13 Q Okay. Ms. Hovanec can't get rid of that
14 information?

15 A Correct.

16 Q Mr. Theodorou can't get rid of that information?

17 A Correct.

18 Q Okay. That information is going to be with the
19 provider?

20 A Right.

21 Q And were you the one that reviewed the
22 information that came from the provider?

23 A No.

24 Q Okay. That information was shared with you?

25 A The results were shared with me, yes.

1 Q Right. It's your case?

2 A Yes.

3 Q All right. And from that information, you
4 learned that the last location provided was in the Dayton
5 area?

6 A Correct.

7 Q I think you said Highland Park neighborhood; is
8 that what you said?

9 A I believe so, yes.

10 Q All right. And this was still on April the 25th?

11 A No, this would have been on April the 27th.

12 Q On the 27th?

13 A Yes.

14 Q You got your information from Verizon on the
15 27th?

16 A Correct.

17 Q Okay. And with that information from Verizon,
18 found Mr. Hovanec's car?

19 A Agents in Dayton found it, yes.

20 Q When I say "you," unless -- it's law enforcement?

21 A Okay, yeah.

22 Q Okay. I'll let you know if I'm asking just about
23 you, all right?

24 A All right.

25 Q So now with a day or so, you've located the car?

1 A The same day that we initially got involved in
2 the investigation on the 27th, yes.

3 Q Okay. So you, the FBI, got involved in the
4 investigation on the 27th?

5 A Correct.

6 Q All right. Local law enforcement had been doing
7 some investigative work the day before?

8 A Yes.

9 Q All right. So on the 27th, you've located the
10 car?

11 A Correct.

12 Q And then I think you said you called B.C.I.?

13 A Yes.

14 Q They came and processed the car?

15 A Correct.

16 Q Found the video?

17 A Right.

18 Q All right. And after reviewing the video, still
19 on April 27th, law enforcement goes back out to Ms. Green's
20 house?

21 A It was -- we were on our way out to Ms. Green's
22 house while they were reviewing the video.

23 Q Okay. So you were going to go there anyways?

24 A Yes.

25 Q But now you are really going to go there?

1 A Correct.

2 Q After you know what's on the video?

3 A We were already on our way back when we found out
4 what was on the video.

5 Q Okay. So this is now one day after you've
6 started your investigation?

7 A Same day.

8 Q Same day. Okay. And on April the 27th, when
9 people went back out there to Ms. Green's house,
10 Ms. Hovanec was taken down to the Wapakoneta -- was it to
11 the Sheriff's Department?

12 A It was, which Amanda was not taken to the
13 Sheriff's Office. She drove her children to the Sheriff's
14 Office prior to us arriving at Ms. Green's house.

15 Q Okay. So she's there. She's at the Sheriff's
16 Office?

17 A Yes.

18 Q On April 27th?

19 A Yes.

20 Q All right. Same day that you got involved?

21 A Yes.

22 Q All right. And while she's at the Sheriff's
23 Office, she is questioned?

24 A Yes.

25 Q And Mr. Theodorou is also at the Sheriff's

1 Office?

2 A He ended up there.

3 Q Yeah. Maybe -- I'm not suggesting they arrived
4 contemporaneously, but they were both there on the 27th?

5 A Correct.

6 Q All right. And Mr. Theodorou is also being
7 questioned on the 27th?

8 A Yes.

9 Q And after some initial denials by Ms. Hovanec,
10 there was an admission as to what happened?

11 A Yes.

12 Q And after some initial denials by Mr. Theodorou,
13 there was an admission as to what happened?

14 A Correct.

15 Q All right. And those admissions were sufficient
16 enough for local law enforcement to charge?

17 A Correct.

18 Q Okay. I think we said there was criminal
19 complaints for aggravated murder?

20 A Yes.

21 Q So within a day of your getting involved in this
22 investigation, you have people under arrest?

23 A Correct.

24 Q All right. Charged with a crime?

25 A Yeah.

1 Q And what really turned it or what really got the
2 investigation started was the exigent records from the
3 provider, right?

4 A Yes.

5 Q I mean, the direction really came together once
6 you found the car and the video?

7 A Correct.

8 Q All right. And that happened the day that you
9 started?

10 A Yes.

11 Q And during his questioning on April the 27th, and
12 forgive me, it might have spilled into the early morning of
13 the 28th, Mr. Theodorou indicated he would show you where
14 the body was?

15 A Correct.

16 Q Okay. And he did that?

17 A Yes.

18 Q And do you recall, was that still on the 27th or
19 had the clock flipped and it was in the morning of the
20 28th?

21 A I believe it was still the late night hours of
22 the 27th.

23 Q Okay. So within a day of your getting into this,
24 starting your investigation, you have suspects in custody?

25 A Correct.

1 Q Correct?

2 A Correct.

3 Q Ready to be charged, if not charged already?

4 A Correct.

5 Q And you have been shown where the body is?

6 A Correct.

7 Q And if I understood your testimony earlier this
8 morning, the only reason that there was no exhumation of
9 the body right then and there was because it was dark,
10 right?

11 A And late.

12 Q And late, right?

13 A Yes.

14 Q All right. And so as soon as practicable, B.C.I.
15 came and dug up the body?

16 A Correct.

17 Q And that occurred on the 28th?

18 A Yes.

19 Q So maybe 36 hours from the time you got involved,
20 the body's recovered, right?

21 A Correct.

22 Q Amanda is under arrest?

23 A Yes.

24 Q Mr. Theodorou is under arrest?

25 A Yes.

1 Q Is Ms. Green under arrest?

2 A Yeah.

3 Q Okay. So all three suspects in custody and
4 charged?

5 A Correct.

6 Q Body recovered, little over a day?

7 A Yes.

8 Q You indicated that there was additional
9 interviews with Mr. Theodorou in February of this year?

10 A Correct.

11 Q And that was a proffer?

12 A Yes.

13 Q And that proffer was undertaken to explore the
14 possibility of Mr. Theodorou cooperating with law
15 enforcement?

16 A It was just undertaken to find out what more
17 information he had to provide.

18 Q All right. And so you did talk to him, right?

19 A Yes.

20 Q And during these conversations, he indicated to
21 you that he -- he asked around in South Africa to try to
22 find somebody to kill Mr. Hovanec?

23 A Yes.

24 Q And that he found who you characterize as hitman
25 number 1?

1 A Yes.

2 Q And that hitman number 1 said not interested when
3 he or she found out that it was a State Department
4 employee?

5 A Yes.

6 Q And so Mr. Theodorou then undertook to find
7 another candidate?

8 A Yes.

9 Q And he found another candidate?

10 A Correct.

11 Q And that candidate that you called hitman
12 number 2, he or she wasn't discouraged by Mr. Hovanec being
13 a State Department employee?

14 A Yeah, as far as I know, that didn't seem to
15 bother hitman number 2.

16 Q Okay. And then Mr. Theodorou went so far as to
17 not only secure hitman number 2, but he paid hitman
18 number 2?

19 A Correct.

20 Q And he paid with his own money as far as you
21 know, right?

22 A No.

23 Q Nobody sent him any money to give to the hitman?

24 A Correct.

25 Q And so after Mr. Theodorou had paid hitman

1 number 2, nobody ever heard from hitman number 2 again?

2 A Correct.

3 Q Okay. So Mr. Theodorou went and found hitman
4 number 3, right?

5 A He had already been in contact with hitman
6 number 3. Hitman number 3 arranged, facilitated contact
7 with hitman number 1 and hitman number 2.

8 Q Okay. So when hitmen 1 and 2 didn't materialize,
9 this gentleman said I'll be hitman number 3?

10 A Correct.

11 Q Okay. And that's the guy that Mr. Theodorou
12 found?

13 A Yes.

14 Q All right. Somebody that he knew?

15 A Yes.

16 Q All right. And it was Mr. Theodorou's
17 conversations with hitman number 3 that raised the
18 possibility of using a drug?

19 A Correct.

20 Q All right. And once that decision had been made,
21 Mr. Theodorou took the steps to build the container for
22 shipping?

23 A Yes.

24 Q And build the container so that it would avoid
25 liquid detection for customs?

1 A Correct.

2 Q Did the shipping?

3 A Yes.

4 Q Paid for the shipping?

5 A Yeah.

6 Q During Mr. Theodorou's proffer, do you recall
7 whether anybody told him that this was an opportunity for
8 him to help himself?

9 A During the proffer?

10 Q Yeah, or before?

11 A Maybe in his initial interview when we were
12 trying to get the truth, but I don't specifically recall.
13 Are you referring to law enforcement asking him if he could
14 help himself?

15 Q Either law enforcement or if there was a
16 prosecutorial representative there?

17 A No, I don't.

18 Q Okay. Now you've been in law enforcement for
19 16 years?

20 A Yes.

21 Q It is not unusual, when interviewing a suspect,
22 that the initial statement is not truthful?

23 A Correct.

24 Q Right?

25 A Yeah.

1 Q Okay. It takes a while for people to come around
2 sometimes, right?

3 A Absolutely.

4 Q Also, in your experience with law enforcement, if
5 there are multiple suspects, okay, it's not unusual for one
6 of those suspects to start pointing the finger at somebody
7 else?

8 A Sometimes, yes.

9 Q Okay. Well, that happens frequently, doesn't it?

10 A Yeah. I mean, I wouldn't say all the time, but
11 sometimes, yeah, it would happen.

12 Q And so once in on April 27th, when you had three
13 suspects in custody, okay, and you were interviewing, law
14 enforcement was interviewing three separate suspects, all
15 right, it's not surprising that somebody pointed the finger
16 at somebody else?

17 A Correct.

18 Q All right. When Mr. Theodorou was looking for
19 hitman number 1, he was in South Africa?

20 A Yes.

21 Q Ms. Hovanec was in Ohio?

22 A Correct.

23 Q All right. When Mr. Theodorou was looking for
24 hitman number 2, he was in South Africa?

25 A Yes.

1 Q She was in Ohio?

2 A Yes.

3 Q When hitman number 3 materialized and

4 Mr. Theodorou was talking to him, Mr. Theodorou was in

5 South Africa?

6 A Yes.

7 Q Ms. Hovanec was in Ohio?

8 A Correct.

9 Q Okay. When he shipped the drug, he was in South

10 Africa?

11 A Yes.

12 Q When he built the container to avoid customs, he

13 was in South Africa?

14 A Correct.

15 Q He didn't have to do any of that, did he?

16 A No.

17 Q He could have said, I'm in South Africa, this

18 crazy lady is in Ohio, I'm not doing any of this?

19 A Absolutely.

20 Q But he didn't?

21 A No.

22 Q He did it all?

23 A Correct.

24 Q Because he wanted to, right?

25 A I'd say, yeah, if we are going to look into it, I

1 would say he wanted to be with Amanda, so he was doing
2 whatever he needed to do to facilitate that end result.

3 Q Because it's clear that he had every opportunity
4 to abandon this, right?

5 A He could have walked away.

6 Q Right. He didn't even have to come back to Ohio
7 from South Africa if he didn't want to?

8 A Correct.

9 Q But he chose to?

10 A Yes.

11 Q And he chose to do all of these things on his own
12 that we just discussed in South Africa?

13 A Yes.

14 MR. KLUCAS: Let me have one second, please?

15 THE COURT: Sure.

16 (Pause in the proceedings.)

17 Q (By Mr. Klucas) So when I was going through all the
18 things that Mr. Theodorou did in South Africa, I forgot one
19 thing. He paid for the drug, also, didn't he?

20 A He did.

21 Q Okay. And I think I asked you, for the shipping,
22 too?

23 A Yes.

24 Q All right.

25 One second.

1 (Pause in the proceedings.)

2 MR. KLUCAS: All right. Thanks so much. We
3 don't have any other questions.

4 THE COURT: Any redirect, briefly,
5 Ms. Sterling?

6 MS. STERLING: Just a few questions, Judge.

7 - - -

8 REDIRECT EXAMINATION

9 BY MS. STERLING:

10 Q Everything Mr. Klucas just asked you, hiring the
11 hitman, shipping the M99 from South Africa to the United
12 States, paying for the M99, Mr. Theodorou ever tell you why
13 he did those things?

14 A He did.

15 Q What did he tell you?

16 A Amanda told him to do it. In fact, as far as
17 paying for the M99, he said if he didn't pay for it, Amanda
18 threatened that she would come to South Africa to bring it
19 back herself, and he knew that he would have to pay for her
20 travel if that happened.

21 Q Mr. Klucas just asked you about Mr. Theodorou's
22 location in South Africa when he was doing all of these
23 things, correct?

24 A Yes.

25 Q During your investigation, are you aware of

1 whether or not Amanda Hovanec traveled to South Africa late
2 summer of 2021?

3 A Yes.

4 Q Did she?

5 A Yeah, she did.

6 Q To your knowledge, do you have any information
7 that she, in fact, met with Mr. Theodorou's associate also
8 identified as hitman number 3 herself?

9 A Yeah, she did.

10 Q Mr. Theodorou tell you that?

11 A He did, and it was also confirmed through text
12 messages.

13 Q You testified it's not -- sometimes, it happens
14 when you are interviewing people that they don't initially
15 tell the truth, correct?

16 A Correct.

17 Q Sometimes they point the finger at other people,
18 correct?

19 A Yep.

20 Q In this case, Mr. Theodorou, you testified on
21 direct, said this whole thing was her idea, right?

22 A Yes.

23 Q Did that turn out to be true based upon the video
24 evidence that you reviewed?

25 A Absolutely.

1 Q You testified that Mr. Hovanec -- Mr. Theodorou
2 and Ms. Hovanec, they lied and then told the truth in their
3 interviews in April of 2022, correct?

4 A That's correct.

5 Q At what point did they tell the truth?

6 A When confronted with the fact that we had
7 recovered video.

8 Q To your knowledge, was Ms. Hovanec aware that
9 there was a dash cam on Mr. Hovanec's car?

10 A Not at all.

11 Q Thank you.

12 MS. STERLING: If I could just have a
13 moment.

14 No further questions, Your Honor.

15 THE COURT: All right.

16 MR. KLUCAS: Nothing more.

17 THE COURT: Special agent, you can step
18 down.

19 Do you have another witness, Ms. Sterling?

20 MS. BAEPPLE: Your Honor, the United States
21 calls --

22 THE COURT: Your mic's not on.

23 MS. BAEPPLE: Thank you.

24 The United States calls Detective Brian
25 Little.

1 THE COURT: Ms. Baeppler, would you pull
2 that mic. These guys point the microphone up towards the
3 ceiling. Point it towards you. There you go.

4 - - -

5 Thereupon, the Government, in order to maintain the
6 issues on their part to be maintained, called as a witness,

7 BRIAN LITTLE,

8 who, having been duly sworn as provided by law, testified and
9 said as follows:

10 - - -

11 THE COURT: And same offer, I should have
12 made it to Ms. Sterling, but if you guys, that podium
13 rotates 45 degrees if you want, or you can leave it where
14 it is. See, isn't that cool?

15 MS. BAEPPLE: Very nice. Thank you.

16 - - -

17 DIRECT EXAMINATION

18 BY MS. BAEPPLE:

19 Q Good afternoon, sir. Can you please identify
20 yourself for the record.

21 A Detective Brian A. Little, spelled L-I-T-T-L-E,
22 and I work for the Auglaize County Sheriff's Office.

23 Q And how long have you been with the Auglaize
24 County Sheriff's Office?

25 A I've been in law enforcement for 32 years, the

1 last 21 have been with the Auglaize County Sheriff's
2 Office.

3 Q All right. And what is your current rank or
4 title at the Sheriff's Office?

5 A Detective, and I'm assigned to the Detective
6 Bureau.

7 Q All right. And did you become involved in an
8 investigation regarding a missing person back in April of
9 2022?

10 A Yes, I did.

11 Q And can you explain for the Court, please, how it
12 was that you became involved in that investigation?

13 A FBI Agent Eilerman called me on the morning of
14 the 27th and advised me that he had an investigation
15 involving a missing person. He had multiple FBI agents
16 enroute to Auglaize county, wanted to know if we could
17 assist him and if we could use the Sheriff's Office as a
18 base of operations.

19 Q All right. And did you agree to allow Agent
20 Eilerman to use the Auglaize county S.O. as a base?

21 A I did, and I notified all of our other detectives
22 including our Drug Task Force detectives and notified the
23 Sheriff.

24 Q All right. And did you learn that the person
25 that was missing at that time on April 27th was a gentleman

1 by the name of Tim Hovanec?

2 A Yes, I did.

3 Q All right. And for purposes of just sort of
4 getting our bearing, April 21st was a Wednesday; is that
5 correct?

6 A That's correct.

7 Q All right. So in response to Agent Eilerman's
8 call, what did you do?

9 A The first thing that I did, like I said, I
10 notified the other detectives, waited for everyone to get
11 there to arrive, Agent Eilerman, everyone else. And the
12 first thing that I wanted to do was go back and essentially
13 start over. We'd had a deputy go out to speak with Amanda
14 Hovanec the day before on Tuesday at the request of the
15 local police department, and I wanted to go back out and
16 reinterview her.

17 Q And what was your purpose or your thought in
18 going back out to reinterview Amanda Hovanec?

19 A I wanted to get a timeline of everything that Tim
20 had done since he had been in Auglaize county and just try
21 to find out where he might have gone or get any kind of
22 information that would help us find him.

23 Q All right. And did you, in fact, go out to her
24 residence?

25 A I did.

1 Q And, at that point in time, she was living with
2 her mother, Anita Green; is that correct?

3 A That's correct.

4 Q And do you recall, sir, approximately what time
5 of day it was that you went out to Anita Green's residence?

6 A It was earlier in the day. The kids weren't home
7 from school yet. I know they get home at 2:30, so it was
8 before 2:30 in the afternoon at some point.

9 Q All right. And did you travel to the Green
10 residence alone or was somebody with you?

11 A Deputy Foxhoven, the same deputy that had went
12 there the day before.

13 Q Now when you arrived at the Green residence, who
14 did you find there?

15 A I talked to Amanda at the front door and I know
16 her boyfriend, Anthony, Anthony Theodorou was also inside
17 the residence.

18 Q All right. And that conversation that you had
19 with Amanda Hovanec that day on the 27th, was that
20 conversation recorded?

21 A It was.

22 Q And is that part of your standard procedure that
23 you record conversations?

24 A Yes, I did.

25 Q All right. And prior to coming here today, have

1 you had occasion to review that recording?

2 A I did.

3 Q All right. And is that recording a fair and
4 accurate representation of the conversation with
5 Ms. Hovanec as you recalled it on that day?

6 A Yes.

7 Q All right. Can you share with the Court what you
8 talked with Ms. Hovanec about that morning or afternoon?

9 A The main thing that we talked about was just
10 everything that had happened the weekend before. We
11 discussed what had happened to lead up to Tim being here.
12 She explained that they had had a court appearance for
13 something with custody that Friday, and then Tim came at
14 about 7:00 Friday night and picked up the kids for a
15 weekend visitation that was court-ordered.

16 She said that -- we discussed the car that
17 he was driving. She confirmed that it was a black
18 Volkswagen SUV and that it had Virginia license plates.

19 She said that she had seen Tim several times
20 through the weekend through a video call that she was
21 having with her daughters. And then he came on Sunday
22 night to return the girls, also, at about 7:00, and that
23 she hadn't seen him since or and wouldn't have any idea
24 where he was at.

25 Q And I think you indicated earlier whether or not

1 you questioned her about other people being in the home at
2 the time of pick up; is that correct?

3 A Correct. We did discuss, when Tim came on Friday
4 to pick up the girls, I had asked her who all was present
5 during that, and she said herself, her mother, Anita Green,
6 and her boyfriend, Anthony Theodorou.

7 Q Now at some point in time during the interview,
8 after you got the basics of the pickup and why Tim was in
9 town, did the topic of physical violence come up at all?

10 A It did. She discussed a complaint that she had
11 made involving Tim. She believes that he had abused their
12 daughter, Emma. At one point, Emma had some bruising on
13 her side. It was reported to the Sheriff's Office, and I
14 had knowledge of that before I went. I had reviewed the
15 report. That report indicated that Emma was in trouble and
16 Tim had picked her up and set her in a chair and that left
17 some bruising on her side and so that the investigation
18 involving abuse was unfounded.

19 Q And aside from telling you about this one
20 incident with Emma and the bruising, did Ms. Hovanec make
21 any comments during that conversation about Tim abusing the
22 girls physically at any other point in time?

23 A Deputy Foxhoven had asked her if there was any
24 other times that Tim had abused the girls, and she said
25 that he had not, that he had abused her and a prior

1 girlfriend she believed. Or she said that she was hit in
2 the face and she believed this girlfriend prior to them
3 being married was also hit in the face and possibly had a
4 broken nose.

5 Q All right. And you indicated earlier that you,
6 prior to testifying today, have listened to this recording;
7 is that correct?

8 A That's correct.

9 Q All right.

10 Could you play, Ms. Niezgoda, Exhibit 24,
11 please.

12 (Whereupon, exhibit played in open court.)

13 Q Now you've been fairly involved in this
14 investigation; is that correct?

15 A Correct.

16 Q All right. And are you aware of whether or not
17 there have been -- if there was ever any substantiation of
18 Ms. Hovanec's claim that Tim Hovanec was physically abusive
19 towards her?

20 A We have no -- other than that allegation that she
21 made, there's nothing else that we have to indicate that he
22 was.

23 Q No police reports?

24 A None.

25 Q All right. And this reference to Marnie

1 Dabroski, were any efforts made by law enforcement, to your
2 knowledge, to either locate police reports regarding a
3 physical violence, a physical attack by Tim Hovanec on
4 Marnie or reference made to interview Marnie?

5 A Yes. We had a detective that was able to contact
6 her. He interviewed her and found that there was no --
7 there was never any abuse from Tim of her.

8 Q So Marnie Dabroski denied that Tim Hovanec had
9 assaulted her?

10 A That's correct.

11 Q All right. Now when you were speaking with
12 Ms. Hovanec, did you ask her if she knew where Tim had gone
13 after he dropped off the children?

14 A She said that she didn't have any idea, but she
15 thought possibly to Columbus or Dayton.

16 Q And did she give you any indication of why she
17 thought he might be in Columbus or Dayton?

18 A She said that he had friends there that he liked
19 to skydive with, that he had a history of, when he comes to
20 the area, of skydiving with in either city with friends.

21 Q All right. Now, at some point during that
22 initial conversation with Ms. Hovanec, did the topic of
23 suicide come up?

24 A Yes. I asked her if -- if there was any
25 knowledge of that he might be suicidal.

1 Q And what did she say?

2 A She said that that was a tough concept. She
3 began to talk about Tim's mental state as if she hadn't
4 thought of it that way in the past, but was believed that
5 he -- she described it as saying that she thought he was
6 detached from reality. She said that he was narcissistic,
7 that he was spiteful, vengeful. She said that, in regards
8 to their custody, she thought that Tim was just targeting
9 her and that the girls really didn't -- weren't the actual
10 issue.

11 Q So fair to say she was not particularly fond of
12 him?

13 A Correct.

14 Q All right.

15 I want to turn your attention to later that
16 day in the evening hours. Did you have occasion to speak
17 with Amanda Hovanec, again?

18 A I did.

19 Q And can you share with the Court what the
20 circumstances surrounding that were?

21 A We wanted to talk to her again. There had been a
22 red flag that had arisen and we wanted to talk to her about
23 that and tried to determine what, exactly, had actually
24 happened in regards to that.

25 Q And what was this red flag that you were

1 referring to?

2 A When I talked to her earlier in the day, she had
3 said that Tim had been there, the girls got out, the girls
4 ran inside and that Tim left and she didn't know in what
5 direction. The FBI, in going through and searching Tim's
6 phone information, found that his phone had actually been
7 there for I believe it was 55 minutes, which, so that
8 wasn't exactly consistent with him dropping the girls off
9 and then turning around and leaving.

10 Q And at that point in time, did you have any idea
11 that Amanda Hovanec had killed her husband?

12 A I did not.

13 Q All right. So this dash cam video had not
14 materialized --

15 A No, it had not.

16 Q -- at the time she came back in for the
17 interview?

18 A Correct.

19 Q All right. Now how did she get to the Sheriff's
20 Department?

21 A She came voluntarily. I talked to her on the
22 phone and requested that she bring the daughters in so that
23 we could question the daughters, and she brought them and
24 they all came.

25 Q Okay. And when they arrive at the Sheriff's

1 Department, are she and her daughters separated?

2 A They are.

3 Q All right. And she is interviewed by whom?

4 A She is interviewed by myself and another FBI
5 agent.

6 Q Okay. And the girls are taken somewhere else
7 with other law enforcement personnel?

8 A That's correct.

9 Q And were they forensically interviewed?

10 A They were.

11 Q All right. And who was present during that
12 interview, you and who else did you say?

13 A I believe Special Agent Caleb Williams, I
14 believe.

15 Q All right. And was that interview recorded?

16 A Yes, it was.

17 Q And prior to coming here today, did you have
18 occasion to review the recording of that interview?

19 A I have.

20 Q And is it a fair and accurate representation of
21 what occurred on that day?

22 A It is.

23 Q All right. Can you describe the initial part of
24 the interview in just general terms? What did you talk
25 about with her?

1 A I was trying to develop a timeline and get kind
2 of a pattern of life on Tim, what he does, where he goes,
3 what he likes to do. If -- is there a drug problem, is
4 there any of that kind of thing that would help us lead to
5 finding him.

6 Q All right. So you are trying to figure out where
7 this guy is?

8 A Exactly.

9 Q Basically.

10 A Yes.

11 Q Okay. And at some point in time, did you discuss
12 the dropoff with Ms. Hovanec on Sunday evening?

13 A Yes.

14 Q And what did she say initially regarding the
15 dropoff?

16 A That after the girls were dropped off, she went
17 inside with the girls, gave the kids baths, and then went
18 to bed with the kids.

19 Q And did you find out later that wasn't true?

20 A I did.

21 Q All right. Did you ask Ms. Hovanec during the
22 interview, the first part of it, the initial part before
23 she was confronted with the dash cam, did you ask her if
24 she had made efforts to reach out to Tim to see where he
25 was and let him know that people were looking for him?

1 A I did. She said that she had sent a text from
2 her -- from her phone. They used the Family Wizard, which
3 is an app that they were using for custody issues, and said
4 that he had left all his personal belongings at the hotel,
5 the hotel had turned those belongings over to the police
6 and that people were concerned about his whereabouts and he
7 needed to call as soon as possible.

8 Q All right.

9 Can you play Exhibit 25, please.

10 (Whereupon, exhibit played in open court.)

11 Q Do you know what this Family Wizard app is?

12 A If -- not exactly sure, but I believe just from
13 past, that it's an app that the courts use, juvenile court,
14 family court uses so that members can discuss things, and I
15 believe it's all recorded so that nothing is said that
16 shouldn't be said to each other.

17 Q And she sent this message. You learned at that
18 point that she sent this message to her husband, and at
19 some point, you learned he's dead. She sent it knowing
20 full well he's dead; is that correct?

21 A That's correct.

22 Q Now you mentioned earlier that while you were on
23 scene at the Green residence, you had had some initial
24 conversation about Tim's connections to Columbus and
25 Dayton; do you recall that?

1 A Yes.

2 Q Did that -- did you develop that information in
3 the interview with Ms. Hovanec later in the day?

4 A We did talk about Dayton, I believe, yes.

5 Q And what sort of conversation did you have about
6 Dayton and people in Dayton?

7 A That he had friends there. I believe he had
8 either worked there, worked with other places in Columbus,
9 but he was an avid skydiver and that he may be there with
10 friends.

11 Q And did you go through names of friends in
12 Dayton?

13 A I can't recall whether we had actually discussed
14 names or not, but I know that we had talked about names of
15 people, whether she knew what these friends' names were.

16 Q Did you speak with Ms. Hovanec about whether or
17 not Tim had a smart watch?

18 A I did.

19 Q Did she know the answer to that question?

20 A She said that he did.

21 Q Now at some point in time during this interview,
22 you learned that Ms. Hovanec knows where her husband is; is
23 that correct?

24 A Correct.

25 Q And how did you learn that?

1 A After the initial interview, I stepped out and I
2 was approached by the Sheriff, who advised me that they had
3 discovered the dash cam video on Tim's car and it actually
4 showed that Amanda had killed him.

5 Q And I'm assuming you stepped out of the room to
6 receive that information?

7 A That's correct, I did.

8 Q And once you had that information, what did you
9 do with it?

10 A I went back in and I continued the interview and
11 eventually I informed her that I knew what she had done and
12 that there was a video showing what she had done.

13 Q And what did she do or say?

14 A She admitted that she had killed him.

15 Q Did she tell you how she killed him?

16 A We did discuss that. I had mentioned that there
17 was a syringe. I don't remember asking if she had injected
18 him in the neck or the arm and she -- she confessed that
19 she had injected him in the arm.

20 Q Did she -- did you ask her where she got the drug
21 that she used to kill her husband?

22 A I did.

23 Q And what did she say?

24 A We went through a long portion of the interview
25 where she describes going to Dayton, that it was people

1 from Dayton or, I'm sorry, Columbus, that she had been in
2 Columbus and it was a friend of a friend of a friend. They
3 had told her that -- she didn't know what the drug was, but
4 they had told her that it would stop Tim's heart within --
5 within two minutes and that it will kill him. And she also
6 then said that, eventually said that the person that she
7 had got it from was an Andre, someone that she had met in
8 her jujitsu class.

9 Q Did you learn that the story about multiple
10 people supplying the drug from Columbus was a lie?

11 A Yes, I did.

12 Q Did you learn that the claim that she received
13 the drug from Andre from jujitsu was a lie?

14 A Yes, I did.

15 Q How did you learn that?

16 A We had a discussion. She eventually told us that
17 the drug had been mailed to her house from overseas and she
18 eventually confessed that she had received it from her
19 boyfriend, Anthony Theodorou. That was only after I
20 learned that Anthony Theodorou had confessed that he had
21 done that. And once I told her that he had confessed, then
22 she finally came clean that that's where the drug came
23 from.

24 Q So you had to confront her with the lies?

25 A Correct.

1 Q And the truth in order for her to finally admit
2 the truth?

3 A That's correct.

4 Q All right. Did you have any discussion with
5 Ms. Hovanec about her taking her husband's car to Dayton
6 and disposing of his belongings?

7 A I did.

8 Q And what did she say?

9 A She admitted that she drove his car to Dayton.
10 She ditched it in a bad neighborhood. She then wiped down
11 the steering wheel, and she took his -- his phone, the
12 license plate from the car and the other personal
13 belongings of Tim's and she threw those away in dumpsters
14 and I believe a garbage can in the area.

15 Q Did you ask her where her husband's body was?

16 A I did.

17 Q What did she tell you?

18 A She said that she got rid of it.

19 Q She got rid of it?

20 A That's correct.

21 Q Did she tell you where she got rid of it?

22 A Again, we went through a process of where she
23 claimed that someone from Columbus had come. Eventually,
24 she said that it was this Andre that she had gotten the
25 drug from, that he came and he took the body, hauled it

1 away.

2 Q So she eventually admitted that she disposed of
3 the body?

4 A Eventually. After a lot of discussion, she
5 eventually confessed that she had taken the body. We
6 discussed where he was at. She explained. I showed her a
7 map on my phone and she pointed out it was a wooded area
8 off of Blank Pike Road at the intersection of Wrestle Creek
9 Road. It's a heavily wooded area that she admitted her
10 grandfather used to own, and she said that she had put a
11 bag over his head and a bag over his body so that no fluids
12 would leak out, and then she took him and put him in a hole
13 that she had dug that was filled with water.

14 Q And she only admitted all of this after you
15 confronted her with the truth?

16 A That's correct.

17 Q All right. Did she indicate to you whether or
18 not she dug the grave?

19 A She did.

20 Q Did she tell you who assisted her?

21 A She said that her boyfriend, Anthony Theodorou,
22 had helped her. She said she made him and but that he
23 didn't want to.

24 Q Did she share any information about any
25 assistance that her mother, Anita Green, may have lent?

1 A We did discuss that and she -- she talked about
2 talking with her mother about it and that her mother had
3 taken her or taken them there to drop the body off.

4 Q There, being the burial site?

5 A Correct, yes.

6 Q How long did your interview with her last?

7 A It was over three hours.

8 Q And, in your opinion, did she express remorse for
9 killing her husband?

10 A Absolutely not. She blamed him the whole time.

11 Q And when you say she blamed him the whole time,
12 what do you mean?

13 A She said that, you know, Tim was abusive and that
14 Tim had done this and Tim had done that and it was all that
15 it was Tim's fault.

16 At one point, she admitted that she knew
17 that it was wrong to kill him, and then she said that she
18 has no idea why she's even apologizing.

19 Q I want to turn your attention to a topic that's a
20 little bit different, but, at some point in time in the
21 recent past, were you asked to query Auglaize county
22 records, Sheriff's Department records, for instances of
23 domestic violence at the Green residence?

24 A Yes.

25 Q And you did that at my request; is that correct?

1 A That's correct.

2 Q And how far back do the digitized records for
3 Auglaize county go?

4 A I know that I've seen some that are all the way
5 back from in the 80s.

6 Q All right. And in terms of any reports of
7 domestic violence coming from the Green residence, back as
8 far as you checked, presumably into the 80s --

9 A Yes.

10 Q -- what did you find?

11 A I found that there was one in January of 2001.
12 It was involving Amanda's father and her sister, Holly.

13 Q And did you pull that police report?

14 A I did.

15 Q And did you review it?

16 A Yes, I did.

17 Q And can you share with the Court what that report
18 documents?

19 A Her father, Samuel, and Holly had gotten into a
20 verbal altercation about her playing the radio too loud I
21 believe in the car. At some point, Holly had called him a
22 mother fucker and he had slapped her across the mouth.

23 Q And aside from that one documented incident in
24 2001, were there any other reports whatsoever documenting
25 that the police came to the Green residence for any sort of

1 domestic violence or domestic dispute?

2 A I found none.

3 Q All right.

4 Okay. Let's go back to April 27th of 2022,
5 which, again, is a Wednesday. At some point in time,
6 either Wednesday or Thursday, the 28th, did you make any
7 efforts to secure a search warrant for Anita Green's
8 residence?

9 A I did on the morning of the 28th.

10 Q All right. And what was your role aside from you
11 secured the search warrant?

12 A Correct.

13 Q Did you show up at the search scene at the Green
14 residence?

15 A I did. We had the Ohio Bureau, B.C.I., we had --
16 we had them process the scene and do everything there. I
17 showed up with several other detectives and we assisted in
18 anything that B.C.I. needed of us.

19 Q All right. And there was evidence collected from
20 the home on that day; is that correct?

21 A There was.

22 Q And did one of those items of evidence include a
23 drawing by one of the children?

24 A Yes.

25 Q All right.

1 Can you please pull up Exhibit 29, please.

2 Detective Little, do you recognize
3 Exhibit 29?

4 A I do.

5 Q Ms. Niezgoda, can you zoom in on that for me,
6 please.

7 All right. And for purposes of our record,
8 can you identify what that is?

9 A It was something that we did find in the kids'
10 bedrooms or where the kids had been sleeping at the
11 residence and appears to be a drawing possibly from Emma.

12 Q Okay. But we don't know for certain --

13 A We do not.

14 Q -- which one of the children?

15 A No, we do not.

16 Q But, clearly, this appears to be one of the
17 children's drawing?

18 A Correct.

19 Q And explain for the record and the Court what's
20 the text here and what's depicted in this child's drawing?

21 A The figure in the middle of the page with the
22 circle around it has something more of a purple color
23 coming out of the eyes, coming out of the mouth, and coming
24 out of the stomach. Above that circle, there appears to be
25 a tombstone that has RIP. To the right of that, it says,

1 stupid daddy, with an arrow pointing to the figure. To the
2 right of that, it says, I hate daddy. And the A, in daddy,
3 appears to have a ghost coming out of it.

4 Below that, appears to be a female figure,
5 and to the right of that, there's an arrow. It says -- it
6 appears to say, amazing mommy, with an arrow pointing to
7 that figure. Below that figure it says, hate stupid daddy.
8 And to the left of that and below the center figure, there
9 appears to be another figure that I would consider is
10 deceased because there's X's over the eyes. And to the
11 left of that, it says, die, daddy, with another smaller
12 figure. It appears to be holding something and something's
13 coming out of that, and then the figure is all covered in a
14 different colored marker.

15 Above that, there's something red appears to
16 be coming out of that center figure, and above that, there
17 is the words demon soul with an arrow pointing to that.
18 Directly above that, there is another figure. To the left
19 of that appears to say, angel's spirit, and there appears
20 to be another ghost coming out of the top of the head of
21 that figure with maybe a halo above it. And to the left of
22 that, it appears to say, me and Emma, with an arrow
23 pointing down to that figure.

24 Q Thank you.

25 MS. BAEPPLE: If I may have a moment,

1 please.

2 (Pause in the proceedings.)

3 I have nothing further. Thank you.

4 THE COURT: Mr. Klucas?

5 MR. KLUCAS: Mr. Bailey.

6 THE COURT: Okay, let me try that again.

7 Mr. Bailey?

8 MR. BAILEY: Thank you, Your Honor.

9 THE COURT: You can raise that up a little
10 bit, buddy.

11 - - -

12 CROSS EXAMINATION

13 BY MR. BAILEY:

14 Q Good afternoon.

15 A Good afternoon.

16 Q You had an interview of Ms. Hovanec?

17 A Yes, I did.

18 Q And in that interview, she indicated that Anthony
19 was not involved at all?

20 A At some point, yes.

21 Q And that proved to be untrue?

22 A It did.

23 Q Ms. Hovanec told you that she had obtained the
24 drug at no cost?

25 A I don't recall whether she said there was a cost

1 or not. Eventually, when it came out that she had received
2 it from overseas, I don't -- I don't recall ever asking her
3 how much it cost.

4 Q She admitted to having injected Tim Hovanec?

5 A She did.

6 Q She admitted to having rolled his body into the
7 garage?

8 A She did.

9 Q She admitted to transporting his vehicle to
10 Dayton?

11 A She did.

12 Q She also complained of ten years of abuse, right?

13 A She did.

14 Q And domestic violence abusers often control their
15 victims; isn't that true?

16 A I'm sure it could be, yes.

17 Q Okay. You've been in law enforcement how many
18 years?

19 A Thirty-two.

20 Q You've had domestic violence cases as part of
21 your career, correct?

22 A Yes, I have.

23 Q And you've seen the victims of abuse?

24 A Yes.

25 Q And you've seen how they sometimes respond to

1 protect their abuser?

2 A Correct.

3 Q And so victims of abuse don't often report the
4 abuse that they suffer?

5 A I don't know if I would say often, but yes.

6 Q Sometimes?

7 A Sometimes, definitely.

8 Q And that's often because they are acting on fear,
9 correct?

10 A Usually, I would believe.

11 Q Were you also involved in the interview of
12 Anthony Theodorou?

13 A No, I was not.

14 MR. BAILEY: Okay. Just one moment.

15 (Pause in the proceedings.)

16 MR. BAILEY: No further questions, Your
17 Honor. Thank you.

18 THE COURT: Any redirect, Ms. Baeppler?

19 MS. BAEPPLE: No redirect. Thank you, Your
20 Honor.

21 THE COURT: Detective, you can step down.

22 THE WITNESS: Thank you, Your Honor.

23 THE COURT: Anything further, ladies?

24 MS. STERLING: No further testimony to
25 present.

1 We would, at this time, move for the
2 admission of the exhibits that were used during the
3 testimony and, for the record, I believe that's 1 through
4 7, 11 through 18, 20 through 25, and 29.

5 MR. KLUCAS: That's what I have, too. And
6 we don't -- no objection.

7 THE COURT: Yeah, they will be admitted.
8 Thank you.

9 MS. STERLING: Thank you, Your Honor.

10 THE COURT: We need to make sure, to the
11 extent we don't have those, and I'm not sure that we do
12 have all of them, you need to give them to Erica before we
13 leave or get them to her soon so they can become part of
14 the record, please.

15 MS. STERLING: We certainly can provide a
16 digital copy of those items, Your Honor.

17 THE COURT: Okay. I believe even though
18 Mr. Klucas made the objection to the two enhancements, I
19 think, technically, you have the burden of establishing
20 them. So I probably will let you go first in terms of
21 arguments about whichever one. We'll do them both -- if
22 you are doing them both at the same time --

23 MR. KLUCAS: I can do them both at the same
24 time.

25 THE COURT: Are you okay with that,

1 Ms. Sterling?

2 MS. STERLING: That's fine.

3 THE COURT: You can divide that up. That
4 doesn't mean one of you gets up and exhausts both of them.
5 One of you can get up and pass the baton if you want to
6 divide it up, but I just as soon hear from you guys and
7 then him and --

8 MS. STERLING: That's fine, Your Honor, if I
9 could just have a moment.

10 THE COURT: Yes.

11 MS. STERLING: Certainly, Your Honor, with
12 regard to --

13 THE COURT: Would you like to argue from
14 your table? Do you have notes there that you would like to
15 use? I'm okay, you are welcome to come up to the podium,
16 you are welcome to argue from the table. I understand this
17 is a little bit factually chewy, but we don't have a jury
18 sitting here listening to you, so wherever you guys are
19 most comfortable for your arguments is fine with me, and
20 that includes sitting or standing when we don't have a jury
21 here, so.

22 MS. STERLING: Thank you, Your Honor. I
23 appreciate it. As long as the court reporter can hear me,
24 I'll just stay here, and I'm getting an indication from her
25 that she can.

1 With regard to the law in this matter, the
2 government will rely upon the legal arguments previously
3 set forth in its sentencing memo herein where we
4 specifically addressed both the application of the role
5 enhancement as well as application for the obstruction of
6 justice.

7 With regard to role, I believe between our
8 argument and Mr. Klucas' argument, the crux of the issue is
9 this, Judge: Did Amanda Hovanec direct or control another
10 person in committing any of the activities involved here.
11 And I think the testimony has shown, as articulated in our
12 memo as well as the evidence put forth today, that, in
13 fact, she did.

14 Not only does Anthony Theodorou say this was
15 all her idea, I did what she told me to do, I got these
16 hitmen because she told me to, I helped bury the body
17 because she told me to, but you hear from Ms. Hovanec,
18 herself, in her statements to Detective Little where she
19 says they weren't involved, they didn't want to do it, I
20 made them do it.

21 At the end of the day, that's all that
22 matters, and for those reasons, we believe that an
23 enhancement for role is appropriate.

24 I can move on to obstruction or --

25 MR. KLUCAS: Go ahead. I'll do both at the

1 same time, too.

2 MS. STERLING: Okay.

3 You know, I think when you look at the
4 enhancement for role, Judge, and I should probably throw
5 this in there, too, although I believe it's in the memo,
6 the guideline section itself says you also need to look at
7 who had the most to gain, who was most involved, who had
8 the most to gain.

9 There are a litany of factors involved in
10 the application notes, and at the end of the day, there is
11 no question, as we stand here in this courtroom, that the
12 person that had the most to gain was Amanda Hovanec. Not
13 only did she have her children to gain in the life that she
14 so desperately wanted, as demonstrated by the evidence put
15 forth here today, but she also was the only person who had
16 a financial motive. She was still married to Tim Hovanec
17 at the time of the murder. As his wife, she was the only
18 person who would benefit from his estate, not
19 Mr. Theodorou, and certainly not her mother. And I think
20 when you look at all of the factors together, it becomes
21 clear, in the government's mind, that an enhancement for
22 role is appropriate.

23 Moving on to the obstruction enhancement, we
24 argue three different prongs in our memo that are
25 applicable here. Again, I'm not going to repeat all of

1 them. The facts, as supported by not only the attachments
2 to the memo as well as the evidence put into the record
3 here today, support the enhancement. Our argument is on
4 all three of those bases and certainly in combination with
5 one another.

6 But, to be frank, Judge, at the end of the
7 day, it's the government's position it does not matter that
8 a lot of these things were done before she was aware that
9 there was a law enforcement, official law enforcement
10 investigation. The application note says so itself. If
11 her actions were designed to thwart that investigation, it
12 counts.

13 Clearly, her actions were so designed. You
14 hear her on one of the dash cams that was played talking
15 about wiping down everything. She's talking about what her
16 plan is to dispose of the car. She gets rid of the license
17 plate. She tells the detective about all of the evidence
18 that she got rid of. Why else, if not to try and send them
19 on a different route.

20 Her statements about, I mean, her very
21 choice of going to Dayton, and then you match that up with
22 her statements to the detectives about, oh, well, you know,
23 I don't know where he might have gone. Maybe, maybe
24 Dayton. I mean, he has skydiving friends there. And the
25 fact that they take time during an interview to go through

1 a list of potential skydiving friends is nothing more than
2 her saying, hey, look over here. That is designed. Those
3 actions beforehand as followed through in her interview
4 were designed to thwart the investigation.

5 And if that's causing you any problem or
6 doesn't sit well with you, then I point to the Family
7 Wizard app. Certainly, at the point that the officers have
8 been out at her house on the recording that you heard today
9 and tell her, we are still looking for him, we haven't
10 found him, we are trying to get more information. Between
11 that conversation, she is now unequivocally aware of an
12 official police investigation. So between that
13 conversation and later in the day when she comes
14 voluntarily into the Sheriff's Department and they ask her
15 at the beginning, hey, have you heard from Tim since we
16 last spoke? No, but since we last spoke, I sent him a
17 message on the Family Wizard app. Hey, Tim, you didn't
18 check out of your hotel. You left your belongings. The
19 police have them. They are worried. You need to contact
20 them.

21 Judge, I submit that there is absolutely
22 zero explanation for why she would send that message on
23 that app knowing full well that she already murdered him
24 and buried him if not to cover her butt and throw the
25 police off of her tail. It matters not that she wasn't

1 successful in her efforts. And you know why? Because
2 attempts count under the guideline. Attempts count. And
3 certainly, she was trying to do that. That she wasn't
4 successful is irrelevant. She did not know there was a
5 dash cam video. She does not know at the time that she's
6 committing these acts that there's a dash cam video and
7 that she's never going to get away with it. She's trying
8 to obstruct the investigation. And again, attempts count.

9 We also believe that her efforts in
10 misleading this Court or attempting to mislead this Court
11 and the probation department warrant an obstruction
12 enhancement. She came into here, not this building, in the
13 old courthouse, at the time of her change of plea. We went
14 over the factual basis. There was a to-do about, hey,
15 she's saying these drugs weren't shipped to her. They were
16 body-carried. She got them. They weren't shipped. They
17 were not shipped. That's what she said. It's in the
18 transcript. Because I did not believe that it affected the
19 elements of the crime, we didn't have a Plea Agreement, I
20 altered the language that I used, which said she received
21 them in the United States. But you caught it. Because we
22 had a discussion about it in chambers, and you asked about
23 it. And again, it's in the transcript, which has been
24 prepared and is a part of the record in this matter. She
25 stood by that. That is unequivocally not true. Not only

1 did Mr. Theodorou tell the agents both in his initial
2 interview, but his proffers that he obtained that substance
3 at her request, but he shipped it to her, at her request,
4 through DHL because she told him how to do it, how to get a
5 liquid in through the mail. She told you in the interview
6 or she told the detective in the interview it was mailed to
7 me. It was mailed to me. The DHL records show that a
8 substance -- I'm sorry, that items were shipped by
9 Mr. Theodorou from South Africa in close proximity to when
10 he received the substance and accepted here by Amanda
11 Hovanec on March 1st of 2022.

12 She told the forensic psychologist that was
13 hired, in the report, yeah, I know I said that, but really,
14 he did, he shipped them, after the hearing where she said,
15 no, they weren't shipped, they were body-carried. She
16 admits that that was not true. And in her revised
17 acceptance statement that she sent in September of this
18 year, she admits it. What is that, Judge? That's
19 dishonesty to the Court.

20 Let's talk about that revised accepted
21 statement. It is submitted to the probation department; I
22 believe the report indicates September 9th of 2024. Her
23 first statement is consistent with her statement to law
24 enforcement in April of 2022. She's sticking with that
25 story.

1 Come August, her attorneys become aware that
2 Mr. Theodorou has entered into proffers with the
3 government. Mr. Klucas comes into my office, he reviews
4 those statements. I can only imagine, being the good
5 attorney that he is, that he went and discussed those
6 matters with his client. And it's a matter of weeks later
7 before a revised statement is offered to the probation
8 department now admitting the salient points as it relates
9 to Ms. Hovanec of Mr. Theodorou's proffers, and that is
10 that discussions about the murder, she had been thinking
11 about it since about the time the divorce was filed, which
12 the records indicate was in December of 2020. She admits
13 that the grave was pre-dug.

14 The statement as given to the probation
15 department, and the dishonesty the government argues is
16 false is that the statement is submitted because she's in
17 therapy, she understands it's really important to be
18 completely honest. We beg to differ. We think it's
19 abundantly clear why that second statement was made.
20 That's another false statement to an officer of the court.

21 And so for all of those reasons, we believe
22 that an enhancement for obstruction of justice is also
23 appropriate.

24 I will address, I suppose, the acceptance
25 enhancement after Mr. Klucas responds, if that's okay with

1 the Court?

2 THE COURT: That's fine.

3 Mr. Klucas.

4 MR. KLUCAS: Okay. Thanks, Judge. I'm
5 going to take a page from Ms. Sterling's book and stay
6 right here.

7 Are you getting me?

8 (Whereupon, a discussion is held off record.)

9 THE COURT: I think I had Mr. Bailey raise
10 it so it wouldn't be at his bellybutton, but that's the one
11 Achilles heel, sight lines in the courtroom. Judge Helmick
12 probably spent a hundred hours trying to figure out where
13 to put that podium and then another 150 or 200 designing
14 it. The problem is it screens the court reporter's view of
15 your table, but it always provides a good view from that
16 table of the witness stand, so that's why it is where it
17 is, so.

18 MR. KLUCAS: Okay, thank you.

19 Judge, I'm going to begin with the 3B1.1(c)
20 enhancement for leader and organizer.

21 Similar to the government, I'm not going to
22 recite all of the authority that we put in our case law,
23 but I really do think that the *Minter* case is dispositive
24 here. What the government needs to show is control over a
25 person, not somebody taking direction, not somebody who's

1 leading activity, but what they need to show is control
2 over a person. Do it or else, for some reason. You don't
3 have any evidence of that. What you have is Mr. Theodorou
4 agreeing to whatever aspects of the plan that were being
5 discussed and then executing them, okay.

6 THE COURT: My problem, Mr. Klucas, and if
7 you don't mind, I'd like to interact with you a little
8 bit --

9 MR. KLUCAS: Sure.

10 THE COURT: -- on this.

11 MR. KLUCAS: Yeah, sure.

12 THE COURT: I was probably seeing this your
13 way on the papers that I had this -- up until this morning.
14 Those text messages, in particular, took me to a little
15 different place in terms of it really felt like your client
16 was, in fact, controlling Mr. Theodorou through their
17 relationship and directing him to do things, if nothing
18 else, pulling his heartstrings, which I submit is a method
19 of controlling someone. That's where I'm getting --

20 MR. KLUCAS: I'm not --

21 THE COURT: Well --

22 MR. KLUCAS: I'm not sure I'm really with
23 the Court. First off, I'm not sure that the text messages
24 really allow the Court to get to that point, okay. There's
25 certainly text messages indicating affection for each

1 other. We all saw them. But I don't think that's an
2 exercise in control.

3 Here's the main point, okay. When
4 Mr. Theodorou is getting the drug, he's in South Africa.
5 He doesn't have to get the drug. She's not forcing him to
6 get the drug. She's not exerting any control over him to
7 get the drug. While the Court may think that the text
8 messages represent an exercise in affection, there's,
9 there's no -- there's nothing in that text message that
10 says get that drug or you'll never see me again, okay.
11 That's control. That's what -- that's what the guidelines
12 require. They require an "or else." Do what I say or else
13 you won't get the money. Do what I say or else you won't
14 get future opportunities. Do what I say or else, okay.
15 That's missing. There isn't anything like that here.

16 Nobody testified that Mr. Theodorou said she
17 made me do it. Nobody said that, okay. Nobody said
18 Mr. Theodorou felt compelled for reasons that we don't know
19 to do it even if he didn't want to. Every single thing he
20 did was a voluntary decision. Every single thing he did
21 could be rejected because he's 8,000 miles away and he
22 doesn't have to do this.

23 THE COURT: But it sure feels like it was
24 all her idea.

25 MR. KLUCAS: You know what, I think the

1 *Minter* case talks about that, okay. Coming up with the
2 idea isn't control. It's coming up with the idea.

3 This is -- this is the bottom line here,
4 okay. And the *Minter* case is recent, so this isn't some
5 archaic, right, they just talked about this last year. It
6 is control over a person, and we don't have it here. Being
7 an essential participant isn't control. Directing the
8 actual activity isn't control. And those text messages,
9 for whatever the Court may think, are the only thing that
10 the government can point to and it is not preponderant.
11 They are text messages.

12 THE COURT: Didn't the words come out of her
13 mouth "I made them do it"?

14 MR. KLUCAS: Of course. So let me talk
15 about that.

16 She says in November -- or in April of 2022,
17 okay, I made them do it. All right. I took testimony from
18 the agent, okay. People often say things that are
19 misdirected, not true, covering for others, covering for
20 themselves in their initial interrogation. That is common,
21 okay. If the Court wants to latch onto that and say that
22 gets them over the preponderant hump, that suggests a bit
23 of predisposition, because the Court has to recognize the
24 context of which that statement was made. The agent
25 recognizes the context. The Court should recognize the

1 context.

2 THE COURT: And I do, it's just all of the
3 circumstances here, it sure feels like Mr. Theodorou was
4 sent off in a direction that he would not have otherwise
5 gone by Ms. Hovanec.

6 MR. KLUCAS: Okay.

7 THE COURT: That's -- and then you factor in
8 I made him do it. I'm not saying you are not going to
9 prevail on this, I'm just telling you where I'm coming
10 from.

11 MR. KLUCAS: So if you are going to tell me
12 where you are coming from, my question to the Court is
13 where does the Court get the idea that to go in a direction
14 where he otherwise would not go? Where is that evidence?
15 There isn't any evidence for that. He's not taking
16 direction, he's taking action. He's finding hitmen. When
17 the first one doesn't work out, he's finding the second
18 one. When the second one doesn't work out, he's finding
19 the third one. And then he's paying them, okay. It's not
20 where he otherwise would not go. There is no evidence of
21 that.

22 THE COURT: Okay.

23 MR. KLUCAS: So I just, you know, I think
24 when you apply the case law here, and it's clear, okay,
25 being the essential participant, not control. Directing

1 activity, which is what the government's evidence really
2 is, I'll be the first to admit. They've put on super
3 compelling evidence that Amanda is directing the activity
4 here, okay, with help from Mr. Theodorou and from
5 Ms. Green, but she's not controlling anybody. Nobody is
6 being compelled for any reason to participate in this
7 exercise, okay. It's incumbent upon the government to show
8 the "or else," to show the Court where he otherwise would
9 not go, okay. And the Court may feel that way, but you
10 can't make the decision based on feelings, and there has to
11 be some evidence, and there isn't any evidence that
12 Mr. Theodorou didn't want to do any of these things, and,
13 in fact, there is evidence that he's proactive. So that
14 application, that guideline enhancement we don't think has
15 been established by preponderant evidence.

16 With respect to the obstruction, and I'm
17 going to kind of start where the government left off. And,
18 you know, the law, statements, false statements made to law
19 enforcement not under oath or specifically addressed in the
20 commentary, and there's an exclusion, and that exclusion is
21 unless those statements significantly impede the
22 investigation, okay. This investigation was not impeded,
23 all right. This was -- this was good police work that
24 resulted in everybody being in custody, everybody being
25 charged. Everybody --

1 THE COURT: I'm just -- I'm finding the code
2 section, because, I'll tell you, the totality of the
3 circumstances here, you know, I think you make the great
4 argument that there's a lot of stuff, if we have a murder,
5 there's a lot of stuff that's part of the murder. And
6 probably burying the body is part of the murder, and maybe
7 even lying to the police and saying I didn't do it is part
8 of the murder.

9 I think, at some point, we cross over that
10 threshold and get into some combination of destroying,
11 affirmatively destroying evidence after the fact. You
12 know, the ditching the stuff in dumpsters and that. And
13 I'll tell you, the thing that really I think is
14 indisputably an obstruction play is the text message, after
15 she's talked to the police, trying to throw them off the
16 scent, sending a text message to a dead man's cell phone.
17 How is that part of the murder? It's not; that's an
18 obstruction play.

19 And, you know, this all had a pretty fair
20 likelihood of working. I think they would have had a good
21 chance of getting away with this but for that dash cam, but
22 it doesn't matter if they actually got away with it, I'm
23 seeing an affirmative, a really clear, affirmative act in
24 that text message to a dead man's cell phone.

25 MR. KLUCAS: So --

1 THE COURT: That's a bad fact.

2 MR. KLUCAS: So here's where I would
3 disagree with the Court, okay. They are not getting away
4 with this, okay. No matter what the Court may think, these
5 things were not going to because -- because they never
6 considered the location data, which is the first thing law
7 enforcement looked at, okay. So when you talk about things
8 that are -- that occur pre-investigation, the guideline
9 says that they have to be likely to succeed. These things
10 are not likely to succeed.

11 We said in our memo, none of those people
12 had any criminal history and it shows, okay. What was the
13 first investigative thing that law enforcement did? They
14 went for location data from the provider. That's why none
15 of this was going to work. Because they don't know what
16 law enforcement's going to do. But, thankfully, law
17 enforcement knows what to do, which is exactly what we
18 meant in our sentencing memo when we said law enforcement
19 knows what to do with these standard efforts at this
20 direction, okay. They didn't go looking for Tim's car all
21 over the state of Ohio, they went to his cell phone
22 provider and said give us precise location. First
23 investigative step. Plan blown out of the water. This was
24 never going to work because law enforcement knows what to
25 do. So it's not likely to succeed at all.

1 We think this is a part of the crime. It is
2 inherent in the offense itself. It is baked into the base
3 offense level. We don't think that the pre-investigation
4 conduct that's been elicited by the government here
5 sustains the enhancement.

6 I do want to say something with respect to
7 Ms. Hovanec's statements of acceptance of responsibility.

8 THE COURT: Well, okay. We'll go ahead --

9 MR. KLUCAS: Because she said --

10 THE COURT: We'll go ahead and do that, too.

11 MR. KLUCAS: Well, I'm --

12 THE COURT: No, no --

13 MR. KLUCAS: I just want to respond to that
14 part of the argument, okay.

15 THE COURT: No, no, that's fine. You are
16 entirely correct, yes.

17 MR. KLUCAS: All right.

18 So, initially, the reason that there was no
19 acceptance of responsibility statement submitted to the
20 probation office is on me. I didn't get it to them, okay.
21 That's the first explanation.

22 But the second statement that the government
23 characterizes as self-serving, you are only getting a
24 little bit of the back story here. I did go to the U.S.
25 Attorney's Office and I did look at some of Anthony's

1 statements, and I said to Ms. Sterling there is way too
2 many here, would you consider disclosing them for me, and
3 she said let me think about it. And I said I'm not talking
4 to Amanda about these until I know how I'm going to get
5 them.

6 And I, at the same time, contemporaneously,
7 Amanda had asked to talk to Dr. Brams again. Dr. Brams
8 wasn't planning on coming back a second time, okay. Amanda
9 is asking to talk to Dr. Brams. I don't want a
10 self-serving statement of acceptance of responsibility, so
11 I hadn't disclosed Anthony's cooperation until she had
12 talked to Dr. Brams, because I didn't know how I was going
13 to get the material. It turns out I got it this morning
14 like regular pure *Jencks*, which is fine; that's what the
15 law permits. But, you know, the idea that I went over
16 there and told Amanda all of the things that I had seen
17 that Anthony had said and, you know, you better come up
18 with a different acceptance statement, that's nonsense,
19 okay. It's nonsense.

20 That's what I want the Court to know about
21 the acceptance. That acceptance, that revised acceptance
22 statement is a byproduct of Amanda's second interview with
23 Dr. Brams. That's what brought that around. And that's
24 all we have on the obstruction.

25 THE COURT: Thank you, sir.

1 Anything further, Ms. Sterling?

2 MS. STERLING: Thank you, Your Honor.

3 Just by way of response to Mr. Klucas'
4 arguments. First on role, we are tracking the Court's
5 thought here. We certainly agree with the Court's thought.
6 And I, frankly, encourage you, if you haven't, although I
7 would be surprised if you haven't, but if you haven't, to
8 read the *Minter* case.

9 THE COURT: I have.

10 MS. STERLING: It is a recent case, and
11 Mr. Klucas is right, it directly addresses the issue of
12 role and, in particular, it says, "Factors relevant to a
13 leadership enhancement include if the defendant exercised
14 decision-making authority, recruited accomplices, received
15 a larger share of the profits, was instrumental in the
16 planning phase of the criminal venture, or exercised
17 control or authority over at least one accomplice."

18 It goes on to say, "Importantly, a district
19 court need not find each factor in order to warrant the
20 enhancement."

21 And, in fact, in this particular case, the
22 Court did find a role enhancement to be appropriate.
23 Notably, it's a drug case, and the distinguishing here in
24 what I think was causing some trouble was the defendant was
25 arguing a buyer-seller relationship with kind of the head

1 of the conspiracy, and so the question was, well, I mean,
2 if it's a buyer-seller, is that really, you know, a
3 situation where you ought to be looking at a role
4 enhancement. That's not this case. Unequivocally,
5 Ms. Hovanec has admitted involvement in a conspiracy, so
6 she's part and parcel of it. She and Mr. Theodorou are
7 not -- I mean, they are in it. They are both involved in
8 these crimes. I think that we are parsing hairs here.

9 And I take issue with Mr. Klucas'
10 representation that somehow, you know, what's required for
11 this Court to make a finding of control, first of all, that
12 control is required. I don't think it's required. I think
13 it is but a factor. I think direction is enough along with
14 all the other factors that we've argued. But I take issue
15 with his representation to the Court that somehow there's
16 case law out there that says control has to be forced
17 against their will, holding a gun to his head, you do it or
18 else. We all know that that's not what the case law says.
19 We apply this enhancement routinely in this courthouse in a
20 multitude of cases, and we think the Court is spot-on when
21 it says, look, these text messages make clear, her own
22 statements make clear. We believe that a role enhancement
23 is appropriate and we ask the Court to impose one.

24 You know, this issue about the acceptance
25 statement, I just want to point out to the Court that the

1 dates that Ms. Brams went to see Ms. Hovanec are listed on
2 her report, and the last two dates postdate when Mr. Klucas
3 was in my office. Now I'm not trying to throw shade at
4 him. I don't know what he said to his client. I'm sure he
5 discussed it with her because, as I said, we all know he's
6 an excellent attorney, but I -- I add that to the record so
7 the Court is aware of the timing here, although I think
8 that is but a small part of the argument that we've made
9 about why this Court should find that obstruction
10 enhancement is also appropriate.

11 I remind the Court, also, of Sixth Circuit
12 case law wherein the Court has found that a defendant who
13 makes misleading statements to law enforcement officers
14 about their involvement in a murder constitutes sufficient
15 evidence for a jury to find the defendant had committed an
16 obstruction of justice charge. This was not "I didn't do
17 it, I don't know, I don't know what happened." This is a
18 concerted effort on her part to cover up, to make them say,
19 "Look over here, look over there, he's a bad guy." This is
20 not going into a situation where she's just not trying to
21 inculcate herself. She is creating narratives that are not
22 true to try to get them to look elsewhere. And, again, the
23 fact that she was not successful is irrelevant because
24 attempts count.

25 We believe both enhancements are

1 appropriately applied, and ask the Court to so rule.

2 THE COURT: What about Mr. Klucas' statement
3 about likely to succeed?

4 MS. STERLING: I think she would have
5 succeeded. I think the Court has noted now, several times,
6 she was completely unaware that there was a dash camera in
7 that car. That's how they broke this case so quickly.
8 They found the car abandoned in Dayton, in an area where he
9 apparently has skydiving connections, as she well knew, in
10 a bad part of town with the license plate off, tracked his
11 phone down there because she left it on on the way down
12 before getting rid of it. She would have succeeded. And
13 the only reason that this case was solved as quickly as it
14 was was because of the dash cam that Tim Hovanec had the
15 forethought to put in his car, a fact that was unknown to
16 her until she's sitting in the interview and confronted
17 with it.

18 She would have, Judge. You saw those
19 pictures about where the body was found. We are in the
20 heart of farmland. You saw the aerial. There's nothing
21 there. There is empty fields and woods. There's nothing
22 there. They go 178 feet in through brush, and bury him
23 two feet deep. What's the likelihood that the police are
24 ever going to find his body if Mr. Theodorou doesn't say
25 I'll show you? What's the likelihood?

1 And if they do, Judge, what's the likelihood
2 that they are ever going to know what the murder weapon
3 was? We saw the video. We know she's there when he dies.
4 We know he's dead because, you know, here's his body. What
5 is the likelihood that we are ever going to know what the
6 murder weapon was but for Mr. Theodorou's saying it's M99?

7 She would have gotten away with it but for
8 the dash cam and Mr. Theodorou's statement.

9 THE COURT: So this isn't -- let's talk
10 about -- let's talk about the role in the offense.

11 I do believe, looking at the *Minter* case,
12 that the government has established by a preponderance
13 several of the factors, if not all of the factors. Let's
14 look at them.

15 Did she exercise decision-making authority?
16 Yes, I find that. Did she recruit accomplices?
17 Absolutely. Received a larger share of the profits? Well,
18 she was in line. I've not heard a lot of evidence that
19 that was a specific motive of hers, but, factually, it is
20 true that she would have presumably benefited, as she was
21 still married to him, but she also would have benefited by
22 getting her children.

23 And I find that she exercised some emotional
24 control over Theodorou. You may -- Mr. Klucas, I don't
25 agree that you have to have a gun over someone's head. I

1 think she was manipulating him, and I became more convinced
2 of that today than I was before, so I am going to find that
3 they've carried the burden by a preponderance on the issue
4 of the control.

5 As to the obstruction, I really never had
6 any doubt about that one since I've first come onto this
7 case in terms of everything that happened here. And I
8 share Ms. Sterling's observations that this did have some
9 likelihood of succeeding. I hear what you are saying about
10 them tracing cell phones and so forth, but, at the end of
11 the day, they wouldn't have had a body. If they had a
12 body, they would have not -- it's my understanding in the
13 background that etorphine is not something that's routinely
14 tested for in toxicology. It may well have appeared to the
15 medical examiner that Mr. Hovanec had a heart attack.

16 And, as I said, I mean, all of the things
17 that Ms. Sterling pointed out I think are accurate, but
18 particularly this misdirection stuff. It crossed over
19 from, you know, I can probably look past digging the grave
20 the day before, the day beforehand out in the woods and
21 everything, but the concept of staging a carjacking, and I
22 think there was some statement at some point about making
23 it look like a carjacking, taking the car to a bad part of
24 town and then leaving it, destroying the evidence, and
25 then, you know, making -- she, I do remember her quibbling

1 with me, which we'll get to in a minute, about the
2 acceptance, you know, about where the drug came from,
3 giving them bad information about where the body had been
4 taken. I find that the government has established, for
5 several of the reasons under *Minter*, the enhancement for
6 obstruction. So I'm going to apply both of those.

7 Next, I know the government has an objection
8 to the enhancement -- I'm sorry, to the acceptance of
9 responsibility.

10 Ms. Sterling, I would like to hear your
11 argument about that.

12 MS. STERLING: Certainly, Your Honor.

13 As the Court may or may not be aware, when
14 the initial Presentence Investigation Report came out, the
15 probation department did not award a reduction for
16 acceptance of responsibility.

17 THE COURT: Okay. But I know from talking
18 to Ms. Truesdell that she didn't have the first acceptance
19 statement, so, and --

20 MS. STERLING: Understood.

21 THE COURT: -- Mr. Klucas has fallen on the
22 sword. So let's not dwell on that too much because I think
23 there was some logistical problem, because Officer
24 Truesdell has told me, in no uncertain terms, she just
25 didn't have the enhancement -- she didn't have the

1 acceptance statement when she released the initial draft.

2 Right, Officer Truesdell?

3 PROBATION OFFICER: Yes, Your Honor.

4 THE COURT: Okay.

5 MS. STERLING: Understood, Your Honor.

6 That's not where I was going, Your Honor. Where I was
7 going was this. The government did not file an objection.
8 You'll note in the final report, it says the government had
9 no objections. We didn't note an objection to there being
10 an assessment for acceptance because there wasn't one.

11 There was nothing to object to.

12 THE COURT: Right.

13 MS. STERLING: That's the only reason I
14 bring it to the Court's attention to the extent its asking,
15 well, hey, you didn't raise that before.

16 THE COURT: And I promise I'm not raising
17 that, either, okay.

18 MS. STERLING: Okay.

19 So, again, you know, we've covered the --
20 our basis for this objection pretty thoroughly both with
21 case law and argument in our memo, and I don't want to beat
22 a dead horse here, but what it comes down to, in our mind,
23 it this. It's two things. She continues to falsely deny
24 and frivolously contest relevant conduct.

25 You have heard today the aggressive

1 arguments about role and obstruction, and while I do
2 believe the case law allows her to challenge those things,
3 it's apparent, based upon the Court's ruling, that it was
4 frivolous to do so, and it always has been, based upon her
5 statements to law enforcement in April of 2022. And the
6 case law in this Circuit says, hey, you are allowed to
7 challenge it, but if you go whole hog and you don't -- and
8 you are frivolously denying something that is apparent,
9 that is a basis for this Court to deny acceptance.

10 We also think, because as the Court has now
11 properly found, because of the obstruction enhancement, it
12 would have to be the extraordinary case for this Court to
13 rule that a reduction for acceptance is appropriate after
14 giving her an enhancement for obstruction.

15 THE COURT: Okay. I'm probably not on the
16 same page with you there. I think those can very much be
17 different points in time, so I hear what -- I hear what you
18 are saying there, just --

19 MS. STERLING: Sure, yeah.

20 THE COURT: You guys can accuse me of a lot
21 of things, but you can't accuse me of not telling you what
22 I'm thinking. I disagree with that proposition. I
23 understand that it says that there's case law that says
24 it's an exceptional case, but, in my mind, chronologically,
25 you put some space between those, you can obstruct and then

1 be, frankly, contrite and admit what you did and get
2 acceptance for responsibility, so that's --

3 MS. STERLING: If you so find, Judge, that's
4 fine. The burden is upon the defendant, however, to show
5 that this is an extraordinary case, and I haven't heard
6 that yet. But that's our argument.

7 We'll also say, as we note in the memo, and,
8 you know, none of these is more important or weighs heavily
9 over another in our mind, they are all equally a sufficient
10 basis for this Court to make a finding, but her complete
11 and utter lack of remorse is a basis under the case law of
12 this Circuit to deny her, as we sit here today at her
13 sentencing, an adjustment for acceptance of responsibility.

14 And what is before the Court, what is before
15 the Court is this: The video, her completely cool and calm
16 demeanor as she wrestles her husband to the ground and
17 waits for him to stop moving, her sliding out from
18 underneath of him, picking up his cell phone that she's
19 knocked out of his hand, taking his watch off of his arm,
20 walking to the car and shutting it off, fifty some minutes
21 later, turning it back on to go and ditch the car and
22 saying, "Fuck, yeah." That's what's before the Court.

23 What's before the Court is Detective
24 Little's testimony that throughout her interview, she
25 showed no remorse. "I don't know why I'm apologizing," she

1 said. Blaming the victim. It's his fault. He did this.
2 He did that. In the PSR, "I hated him." That's what's
3 before the Court.

4 The acceptance statements: I regret this
5 decision. I've come to regret this decision. Regret what?
6 Nowhere in the first statement or the second does the word
7 sorry appear. Nowhere. Heck, in her sentencing memo, it
8 says she has a growing remorse. For what? I have never
9 heard her, and there isn't a shred of evidence in this
10 record for this Court to find that she has any remorse at
11 all for killing Tim Hovanec, let alone the manner in which
12 she's done so, which we'll get into later. That is a
13 sufficient basis for this Court to find that she is not
14 entitled to a reduction for acceptance of responsibility.

15 We've noted that case law in our memo, and
16 we ask the Court to deny her acceptance. At a minimum, to
17 be clear, the government will not be moving for the third
18 point regardless of what this Court's decision is as to the
19 other two.

20 THE COURT: Thank you, Ms. Sterling.

21 Mr. Klucas.

22 MR. KLUCAS: Thanks, Judge.

23 So, apparently, the government has a
24 different definition of frivolous than what the rest of us
25 do. I saw a Court considering arguments that were advanced

1 on both sides, not dismissing them, not pretending they
2 didn't exist. And, in fact, indicating on the record that,
3 prior to the hearing, you were leaning one way, but now
4 that you've heard some evidence, you are leaning a
5 different way. Well, if you were leaning one way, then
6 there's nothing frivolous about that, okay. Nothing.

7 You indicated in response to the obstruction
8 argument that you may be with me, with the defense on
9 the -- on the digging of the hole and things that were
10 otherwise attendant to the actual commission of the crime.
11 What is frivolous about that? Here's what -- let me
12 finish, please?

13 THE COURT: Go ahead.

14 MR. KLUCAS: Here's what the government is
15 really saying. It's frivolous because I have the temerity
16 to disagree with them on the application of a guideline
17 enhancement. That's their definition of frivolous as
18 applied to this proceeding.

19 Did you want to interrupt me?

20 THE COURT: Well, I just wanted to perhaps
21 cut you short by saying you win. I'm not going to hold
22 against Ms. Hovanec's -- Hovanec or Hovanec -- I'm not
23 going to hold against her her challenge to these
24 enhancements on the issue of her acceptance of
25 responsibility. I'm going to find that she is entitled to

1 the two points, because I think there is enough in her
2 statements, collectively, for me to get there in terms of
3 the two points.

4 Ms. Sterling has said they are not going to
5 move for the third point, I can't fault them for that.

6 MR. KLUCAS: Right.

7 THE COURT: Because she's challenging the
8 whole kit and caboodle, which I don't think I've ever said
9 in court before, but anyway, so I am finding that
10 Ms. Hovanec is entitled to the two points acceptance that
11 are set forth in the PSR over the government's objection in
12 their memorandum. And I've excused that that, you know,
13 was not initially filed, that's fine. We didn't know that
14 it was even going to be in there until the final version.

15 I'm overruling the government's objection,
16 finding that you have established the two points, but I'm
17 not going to award the third because the government is
18 objecting to it.

19 MR. KLUCAS: That's fine with us.

20 THE COURT: Okay. If you want to argue some
21 more, go ahead, but.

22 MR. KLUCAS: Well --

23 THE COURT: Well, I'm just saying once you
24 win, it's a good time to stop, all right.

25 MR. KLUCAS: No, I'm happy to stop.

1 THE COURT: Okay.

2 MR. KLUCAS: I'm arguing, I was arguing for
3 the two points.

4 THE COURT: Right.

5 MR. KLUCAS: But you just awarded it.

6 THE COURT: Exactly.

7 MR. KLUCAS: So I'm done.

8 THE COURT: That's why I interrupted you;
9 otherwise, I would have let you go.

10 MR. KLUCAS: No problem.

11 THE COURT: But my mind was made up.

12 So let's get our score cards out.

13 Does anybody need a break? Are we okay to
14 keep going?

15 MS. STERLING: I'm fine, Your Honor.

16 THE COURT: We are sort of in the final
17 stretch here I would say. And my apologies to the folks
18 that are here for the 1:00. This started pretty promptly
19 at 9:00 this morning, and here we are.

20 Anyway, by my scoring, we start off with a
21 base offense, and you guys please listen carefully here, we
22 start off with a 43 base offense level. We have the two
23 points for organizer, leader, which I find the government
24 has established by a preponderance. We add the two points
25 for obstruction -- and that was 3B1.1(c), the two points

1 for organizer, leader. Two points for obstruction, 3C1.1,
2 takes us to an adjusted offense level of 47.

3 We take the two points for acceptance, which
4 I find that the defendant has indicated they are entitled
5 to, that takes us to a 44. Is that -- no, 45. 47 minus
6 two is 45. But that's going to go down to a 43, because
7 the maximum is 43.

8 MR. KLUCAS: Correct.

9 THE COURT: I'm not asking anybody to agree
10 with any of my rulings there, but can we all agree with my
11 math?

12 MS. STERLING: Yes, Your Honor. We agree.

13 MR. KLUCAS: Right. We are not waiving any
14 objection, but.

15 THE COURT: You are not.

16 MR. KLUCAS: But we agree with the math,
17 yeah.

18 THE COURT: You are absolutely not waiving
19 any objections. I wouldn't expect you to, Mr. Klucas.

20 So a guideline calculation of 43 with a
21 Criminal History Category of I results in a guideline
22 calculated sentence of life. That, obviously, is not
23 binding. We can vary downward from that. I'm not sure
24 anybody is on notice of any departures, but we could vary
25 downward from that if I determine that that's not -- that

1 that sentence is excessive, okay.

2 So we have to now look at the 3553(a)
3 factors. And you don't have to repeat anything you've
4 already said, but if you want to bullet point it to re-hit
5 it again, that's fine. I just -- I don't need you to plow
6 the whole field over again, but I would like to hear from
7 both of you in terms of where you think this should wind up
8 with the guideline recommended sentence being life.

9 Ms. Sterling.

10 MS. STERLING: Thank you, Your Honor.

11 May I suggest to the Court that this might
12 be an appropriate time for the Court to take victim impact
13 statements?

14 THE COURT: Oh, yeah. I sort of -- that
15 would certainly be an appropriate time for that. I almost
16 forgot that we had that coming. Are we prepared to proceed
17 with that or do you need a minute?

18 MS. STERLING: I believe that we are
19 prepared to do that at this time.

20 THE COURT: Please proceed.

21 MS. SLOAN: Permission to be seated?

22 THE COURT: Yeah, sure.

23 And get the microphone back there for her.

24 Whenever you are ready to proceed, ma'am,
25 please tell us who you are and say whatever you would like

1 to say.

2 MS. SLOAN: Yes. My name is Andrea Sloan.
3 I'm Tim Hovanec's mother.

4 Imagine, Your Honor, sitting at your dining
5 room table and being told your son is no longer alive.
6 Imagine, Your Honor, having to go into a room with three
7 beautiful young children and say your daddy is dead. The
8 daddy that just took you swimming and golfing last weekend,
9 your daddy is dead. You'll never see him again. And your
10 mommy killed him. Kenzie said, why can't we just be a
11 normal family, grandma?

12 Before I continue, I do want to take one
13 moment to thank the Court for this opportunity to make the
14 victim statement and to thank everybody, starting with the
15 State Department, the federal, local officials, the
16 attorneys, everybody who has worked so hard to bring us to
17 justice today, because, otherwise, I believe she could have
18 gotten away with it. They are very heroic in their
19 efforts, and we do appreciate them.

20 We have heard from family, friends,
21 neighbors, professional colleagues and even strangers about
22 how much they were impacted by Tim's loss. We heard from
23 people all over the world. I have emails, I have letters
24 telling us how much Tim meant to them.

25 This is just an example. This was at his

1 memorial service telling him how much he meant to them, how
2 much they were going to miss him.

3 THE COURT: I think I've seen that before,
4 right?

5 MS. SLOAN: This is an exhibit.

6 THE COURT: That was an exhibit. And I've
7 never seen a more comprehensive -- obviously, you're an
8 estate and guardianship attorney. You are used to dotting
9 I's and crossing T's. I read every word that you guys
10 submitted, and there were a lot of them. But I compliment
11 you on the thoroughness and the completeness of the
12 record-keeping, which you did, and what you do for a living
13 was not wasted on me being able to see that. So thank you
14 for that.

15 MS. SLOAN: Thank you.

16 The impact has been incalculable on us, but
17 I want to focus for these few minutes on what she did to
18 these three beautiful children. She abandoned them. She
19 betrayed them. She killed their father. What, as Your
20 Honor said, what more heinous crime could there be than for
21 her to do this to these children. Then she lied and tried
22 to cover it up.

23 She stole from these children their
24 childhood. They can't look back and remember, oh, our
25 third birthday or the time we went to Disney World or this

1 or that. She stole that from them, and for the rest of
2 their lives, they are going to have to be in therapy and
3 they are going to know what she did to them. And we are
4 going to tell them, Your Honor. We are going to be very
5 honest and truthful at such time they are willing to hear
6 this.

7 We've had to protect -- when I took -- I'm
8 going off page. When I took these little -- I set up a
9 zoom meeting so that they could say goodbye to their little
10 friends at school and just so that they would know they
11 were okay. And even at that time, one of -- two of the
12 little boys had to be taken out of the room because they
13 were taunting them. What did your mother do? And that was
14 just a few days after the murder. Imagine what's going to
15 happen when they get on the internet and they, as they will
16 do, they already are, they are more sophisticated than we
17 are, and their high school friends or their college friends
18 just happen to look up the name Hovanec and see what
19 happened and see the ugliness that was in that case and the
20 details and the premeditation and the hatred that came from
21 her. Just imagine.

22 We've been lucky, because, and I've said
23 this in my papers, we are lucky for so many things, lucky
24 to have all of these people, lucky to have friends and
25 neighbors, lucky not to have any financial problems, lucky

1 do have the skill set we were that's enabled me to be the
2 guardian and to fight people to get the guardianship and to
3 get all the papers to do the Slayer statute to keep her
4 from getting any money, to do the estate work without
5 having to charge these kids. We've been very lucky in that
6 point.

7 But so much, so much has happened. The
8 depravity of it all is unbelievable, and these children are
9 going to suffer for the rest of their lives. \$575 a week
10 for therapy, to just to give an idea. And it's nothing.
11 We are fine. We can take care of that. But they will
12 never be free from this. We are very fortunate that they
13 are doing extremely well, because we've worked so hard,
14 countless hours, thousands of hours.

15 And it's not bad enough that we are
16 suffering from this, we are suffering because the family of
17 the murderer is harassing us. She's -- she thinks they
18 should have custody of these girls. I'm sorry I'm yelling.
19 She's harassing us. We are going to court next week again
20 in Fairfax because she's followed me down. I finally got
21 Ohio out of the picture, and she's following me to Fairfax
22 to do this at the behest of the murderer's family,
23 including one of the criminals who has supplied her with
24 money for this.

25 This, I couldn't have imagined, along with

1 after we first heard how this could continue, how it could
2 get any worse, and yet I have to sit here and watch my son
3 die this morning and it shows no signs of letting up. We
4 are just tormented by this family.

5 But let me talk about the girls. Just a few
6 more things, and because I could go on for hours and hours
7 about the suffering. We had to clean out Tim's house. We
8 had to see the birthday presents and the Christmas presents
9 that he had bought for the girls and just put those aside
10 and give them to them a year later. We had to stand in his
11 house and separate his life's work into dispose, give away.
12 We had to give away his favorite hats because there were so
13 many of them. We had to give away all of the things that
14 he had done, all of the work that he had done so hard and
15 the plans that he had made, the dreams that he had had, the
16 time -- you could hear him on that phone on that recording
17 talking to the little girls and they were happy and they
18 loved their daddy, and all of that was taken away from her
19 for her boyfriend so she could live her best life.

20 One of the most horrible things, Your Honor,
21 that ever happened, was driving up the driveway with the
22 little girls in the car and finding this. Priority mail.
23 Cremated remains. All that Tim did, all his good deeds,
24 all his work, his love of his kids, is in a box here.

25 Thank you, Amanda.

1 This is what she did to him. And now you
2 have little girls who are worried who said to their
3 therapist, am I going to grow up to be like mommy? They
4 are afraid they are going to grow up to be like her. How
5 horrible a sentence can you give to a 5-year-old? This is
6 a -- you worry all your life that you might grow up to be a
7 murderer.

8 The first day they ended up in school in
9 Virginia, they were doing Father's Day presents, and the
10 school was wonderful. They took them out of there and said
11 they don't want you -- they didn't want them to even be
12 exposed to the fact that they lost their father. And one
13 time when Zoey was asked why did you live with your
14 grandmother and grandpa, she said because both my parents
15 are dead.

16 MR. KLUCAS: Please talk to the Court and
17 not the client.

18 THE COURT: He's right --

19 MS. SLOAN: I'm sorry.

20 THE COURT: -- Mrs. Sloan. You do need to
21 talk to me.

22 MS. SLOAN: We've lost our privacies. We
23 have been in fear of further retaliations from this family
24 because family members continue to harass us personally.
25 They have made false statements to the police and had

1 police showing up at the doorstep accusing the family of
2 neglecting or abandoning these children. The one who
3 neglected and abandoned them was Amanda. She had them in
4 that home, and when we got them to our house, they drew
5 pictures that were sexually graphic indicating what they
6 had seen in their big common sleeping room where she and
7 Anthony slept. She neglected their health, their dental,
8 their ophthalmological, they needed speech therapy. She
9 neglected all of that.

10 And the last thing on the intrusion of the
11 privacy, we have been approached by 48 Hours, and even
12 within a few minutes, really, of this going online, there
13 was another post on there that said this is, you know,
14 ripped from the headlines. Fortunately, we are in the
15 Washington DC area, and it didn't make the market there.
16 And we are trying to keep it that way. We don't want any
17 part of anything. But we just can't prevent that from
18 happening.

19 I showed, I mean, their therapy, we leave
20 their therapy to be very private. We don't interfere,
21 because they have to know that there's one place on earth
22 that they are safe and they can say anything they want, but
23 they occasionally draw pictures, and I think we submitted:
24 Zoey, I'm mad and I'm sad. And there's so many sad
25 pictures and things that this started out initially. We

1 know how much they were suffering. And they also had
2 nightmares and so physical reactions as well.

3 They also have -- we have told and been told
4 by the therapists that they, at times, blame themselves.
5 And that's the saddest thing of all. Somehow or another,
6 they've made mom -- they were responsible for mommy killing
7 daddy.

8 The children have lost their normal
9 situation. And that was what Kenzie said when she first
10 responded to this. She said why can't we just be a normal
11 family. Well, in spite of the rest of the family that we
12 have gotten them to a new normal with a mom and a dad, and
13 they are very picky, and they say don't ever call her
14 mommy. She's mom. So they made a new normal for
15 themselves. They are getting along. They are going to
16 school. They are doing well.

17 But there's -- well, I guess one other
18 thing, and that is, in the snap of a finger, my son, Matt,
19 and his wife, Katie, became parents of five little girls.
20 Katie did not hesitate a nanosecond to say I would be
21 honored to take Tim's girls, and we will take, become their
22 parents, take good care of her. It's a high regard that
23 they had for Tim and that we all had for Tim. And the
24 saddest thing is we will never be able to answer the
25 question why.

1 Thank you, Your Honor.

2 THE COURT: Thank you, Mrs. Sloan Hovanec.

3 If you are going to use that, raise it up a
4 little bit. There's a button on the -- I think it's --
5 there you go.

6 MR. DANIEL HOVANEC: Hello, Your Honor. I'm
7 Daniel Hovanec. I'm Tim's younger brother.

8 THE COURT: You are the one from Arizona,
9 right?

10 MR. DANIEL HOVANEC: Yes.

11 THE COURT: See, I read this stuff.

12 MR. DANIEL HOVANEC: Speaking here today
13 will be the fourth, fifth and sixth hardest thing I've ever
14 had to do in my life. The first thing, hardest things I've
15 had to do in my life was to sit down and tell each one of
16 Tim's children that their mother killed their father. In
17 that moment, I had to rip the innocence of childhood and
18 shatter their worlds.

19 I'm forever haunted with that memory, and
20 then the hours and hours of pain from it and questions that
21 innocent young children have from being told something that
22 most adults, myself included today, can't handle hearing.

23 I'm here to speak to you about the impacts
24 to myself, impacts to Tim, and the impacts to his children.

25 For myself, I've spent the past two plus

1 years processing this, attempting to heal, attempting to
2 understand. I've been in therapy and I've been trying to
3 put into words how this is impacting me. I feel like what
4 I would imagine I would feel like if I had my leg
5 amputated. The physical trauma has scarred over and I'm
6 not actively bleeding, but the wound is still there and
7 forever intertwined in my life. I'm regularly reminded of
8 the trauma, whether it's an innocuous question from
9 somebody about if I have siblings and what they do, or
10 advertisement or a story about the number of places
11 associated with this, like Ohio or South Africa or DC or
12 Germany or anywhere that's involved in this. Or it's even
13 just having to come today to a sentencing hearing.

14 The hardest thing for me is trying to accept
15 that I will never ever get to make any new memories with
16 Tim. I'll never get to see his infectious smile. I'll
17 never get to embark on a wild adventure that is something
18 that two brothers can do together. I'll never get to see
19 Tim anywhere besides in my memories.

20 I'm here to speak for Tim. He was a true
21 American hero. He was serving his country's diplomatic
22 interests abroad making everybody in this courtroom and in
23 this state, in this country, and in this world safer. He
24 was also raising three young children, and Tim had well
25 more than half of his life stolen from him.

1 Tim will never get to see the things that a
2 new father looks forward to. He'll never get to see his
3 daughters playing softball, performing in ballet, getting
4 an A in school, taking them to a dance, or the other half
5 of becoming a father, consoling them after a rough day at
6 school, helping them back up after they've lost a sports
7 game or something and reminding them they tried their
8 hardest. Or just consoling them when they are sick. Tim,
9 nor his beautiful daughters, will never get to have a movie
10 night snuggled up on the couch. They'll never get to go on
11 father-daughter adventures going to the zoo, going
12 anywhere. Tim will never get to watch his daughters grow
13 up, and grow up they will, and grow up they will to become
14 amazing and beautiful women.

15 Tim's children lost the most from this
16 crime. They lost the innocence from growing up without
17 having to undertake complex adult issues like murder. They
18 lost both of their parents. They lost a loving father who
19 was excited to show them the world, excited to teach them,
20 excited to watch them grow up and unconditionally love
21 them. Thankfully, our extended family has extended all of
22 our love to his daughters.

23 Your Honor, I respectfully request you
24 sentence Amanda to life in prison. The first time that I
25 had to consider what sentence I had thought would be

1 appropriate for this crime was when one of Tim's children
2 asked me how long mommy was going to go to jail for killing
3 daddy. I had to try and explain that it wasn't up to me,
4 but that if it was, I would want her to go away for the
5 rest of her life because daddy, my brother, will be gone
6 for the rest of our lives.

7 My brother, Tim, loved his children. He was
8 dutifully working through a divorce process. His love for
9 his daughters is why he was fighting so hard for custody.
10 And for that love and wanting to be in his daughters'
11 lives, he was murdered in cold blood. A premeditated,
12 remorseless murder in cold blood. It's one of the most
13 heinous crimes and worthy of the harsher sentence, a
14 sentence of life in prison.

15 Thank you, Your Honor.

16 THE COURT: Thank you, Daniel.

17 MR. KURT SLOAN: I'll keep this short.

18 Thank you, Your Honor, for indulging me and everybody here.

19 It's --

20 THE COURT: Who are you?

21 MR. KURT SLOAN: My name is Kurt Sloan.

22 THE COURT: Okay.

23 MR. KURT SLOAN: Uncle of Tim.

24 THE COURT: Okay. Thank you.

25 MR. KURT SLOAN: I've known him since he was

1 born. And pale in comparison, what I'm going to say,
2 compared to the first two.

3 But Amanda clearly took a self-centered,
4 permanent solution towards a temporary situation. She's
5 much like the criminal who steals the apple. Unless they
6 are smacked on the hand, just do it without thought of the
7 overriding consequence that so many regular criminals don't
8 think about. I'll do it now, I'm not thinking about what
9 happens tomorrow if I get caught. If she had any foresight
10 at all, she wouldn't have committed this crime. Any
11 thought, any foresight. All of this, we wouldn't be here.
12 We would not be here. Just a moment of thought, say, wait,
13 if I do this, this could happen. Couldn't have had any of
14 that, because as she sits there, she's looking at her hands
15 saying, damn, I wouldn't have done this. I shouldn't have
16 done this.

17 And her actions have altered the lives of so
18 many different people, particularly her daughters. We've
19 already heard that.

20 The real confinement here, the real
21 confinement will not be the physical confinement that she
22 is about to experience, but it will be her mental
23 confinement. It will be the fact she will never see her
24 daughters again. She will not see them graduate high
25 school. She will not see them graduate college. She will

1 not see them get married and have kids. She will not hold
2 Anthony again. None of that. And she can sit there all
3 day for the rest of her life, wherever she stays, and
4 thinking this scenario again and again as she runs it
5 through her mind a million times what she could have done,
6 what wouldn't have had this permanent effect, what wouldn't
7 have brought us all here to this courtroom.

8 This is going to be tougher than any
9 physical confinement she can ever have. It's mental
10 duress. I've always said when I've experienced something
11 bad, I would rather have somebody kick me in the teeth than
12 go through a mental duress. Physical duress is easy,
13 mental duress is forever.

14 Because of this, her children are going to
15 be raised by the family. Her family will never be a part
16 of those children's lives. And those children will be
17 raised correctly with every opportunity in the world, but
18 it won't be because of her. She threw all of that away
19 when she made a self-centered, narcissistic decision to
20 kill my nephew.

21 What she didn't realize was time passes so
22 quickly. These marital strife issues, these custody
23 issues, they come and be gone. They'll be gone in 10,
24 15 years and the life would be gone, everybody would almost
25 have returned to normal. The kids would be suffering, Tim

1 and her would be fighting, but that would be gone and life
2 would be almost normal as it could be. But no. No thought
3 in this. Just do -- let's do what I did in that driveway
4 that day. Certainly, a shortsighted decision to change
5 lives forever.

6 As you lay there night after night confined
7 in your little space, replay that scenario over again in
8 your mind. You will never do the things that I just spoke
9 about. Over and over for multiple years. This is your
10 life. You ruined it for yourself. You ruined it for
11 everybody else without any thought of what the final
12 consequence might be, a typical criminal mind.

13 Thank you for your indulgence.

14 THE COURT: Thank you, sir.

15 MS. STERLING: Your Honor, I believe we have
16 one final individual that would like to make a statement.

17 MR. STUART: Good afternoon, Your Honor.

18 THE COURT: Yes, sir.

19 MR. STUART: My name is Ronald Stuart. I'm
20 the Deputy Assistant Secretary, Assistant Director of
21 (Court Reporter interruption for clarity). Little fast?

22 THE COURT: His card is this long, so.

23 MR. STUART: Ronald Stuart. I'm the Deputy
24 Assistant Director, Deputy Assistant Secretary and
25 Assistant Director of the Diplomatic Security Service, the

1 Countermeasures Director within the U.S. Department of
2 State.

3 Here to discuss the impact that Tim's
4 untimely demise has caused on our programs and within the
5 department.

6 Mr. Hovanec's work at the National Defense
7 University and his ability to tie research together at a
8 critical juncture of emergent threats had provided deep
9 insight into the challenges of developing an effective
10 Counter-UAS program. Mr. Hovanec's research could have
11 allowed our team to better understand the issues and devise
12 more effective detection methods. This will all come into
13 play here in a few minutes.

14 To that end, Tim requested a demonstration
15 of our current Counter-UAS system and training methods to
16 be presented to a wide, interagency audience. The attendee
17 list for this demonstration included the NIU students, the
18 National Security Council, U.S. Customs and Border Patrol,
19 Central Intelligence Agency, and representatives from
20 numerous government support contractors.

21 Selected and paneled for his position to
22 oversee the Department of State's Counter-UAS program
23 because of his expertise, Mr. Hovanec had been responsible
24 for the survey, research, design, testing, and installation
25 of the Department of State Counter-UAS systems. This

1 included the integration of the Counter-UAS system into
2 existing security technologies. His next position would
3 have provided oversight for the forward-deployed Field
4 Service Watch Standers including tracking maintenance and
5 operations as well as providing timely and accurate
6 information to Counter-UAS incidents to Senior Diplomatic
7 Security Officials. The section Tim was selected for
8 remains responsible for providing situational awareness of
9 and current -- future and current UAS threats to our
10 facilities around the world.

11 Mr. Hovanec's responsibilities would have
12 entailed coordinating with all our constituents to include
13 the broader Security Systems Integration Division of
14 numerous government agencies, our Security Technology
15 Office, the larger Department of State, other federal
16 executive agencies all over this Counter-UAS program. He
17 would have been our liaison to national laboratories, to
18 research agencies, professional organizations and
19 committees, private sector companies as well as
20 international allies. He shared a wide range of
21 conventional approaches, methods and techniques in his work
22 as well as groundbreaking solutions to new situations. He
23 would have made decisions regarding appropriate mitigations
24 and recommended possible courses of actions, and worked
25 closely with the integration divisions.

1 Mr. Hovanec's knowledge was unique. His
2 drive was unique. And that was one of the main reasons he
3 was chosen out of 220 Security Engineering Officers to lead
4 this program. He's responsible for our contingency
5 support. It's usually only performed in our High Threat,
6 High Risk environments.

7 With Mr. Hovanec's direct involvement with
8 our program, we were looking forward to his contributions
9 to this program and helping develop solutions for the
10 evolving drone threats to our embassies and facilities.
11 His ultimate demise has had serious repercussions and
12 negative lasting effects on the safety of American
13 diplomats serving abroad.

14 The threat drones pose to the Department of
15 State are brought to full light more and more in the news
16 with the current conflicts in Ukraine and Israel.
17 Following the Hamas-led attacks in Israel, we've seen an
18 uptick in drone activities, especially weaponized drones.
19 These attacks and subsequent -- these attacks and
20 subsequent attacks against the U.S. and the region
21 highlighted how vulnerable we are to this new wave of
22 threats.

23 The drone challenge is evolving rapidly in
24 that any loss in time creating counter-drone defenses
25 creates impacts downstreams exponentially. The most

1 valuable asset the department has against this threat and
2 this time is knowledge and the experience which SEO
3 Hovanec, Security Engineering Officer Hovanec, possessed.
4 With his tragic passing, the DSS lost a beloved colleague
5 and a friend whose miscontrubution has set us back years
6 encountering this threat, which, ultimately, will cost
7 Americans their lives.

8 The bureaucracy of the U.S. Government
9 hopefully is not lost on anyone. We just hired a drone
10 expert three weeks ago. It took us this long to get
11 somebody there. I'm deploying people to Beirut as we speak
12 to counter the drone threat on the ongoing conflicts with
13 Israel and Hezbollah. They are not as prepared as they
14 should be.

15 Thank you.

16 THE COURT: Thank you for your remarks and
17 your service.

18 Anything else, Ms. Sterling?

19 MS. STERLING: I believe that is all that we
20 have to offer by way of victim impact statement today.

21 Your Honor, of course, you are aware, as
22 defense counsel, of the many documents that were submitted
23 as part of the PSR.

24 THE COURT: I am. Now, but where we started
25 with this was to make your argument about where you believe

1 an appropriate sentence should lie with this case, so why
2 don't you go ahead and conclude that, and then I'll ask
3 Mr. Klucas for his thoughts about that, and if Ms. Hovanec
4 wants to make a statement, we'll have that as well.

5 MS. STERLING: Certainly, Your Honor.

6 We started this morning's hearing with the
7 Court giving a recitation of where we were in the
8 proceedings, and you made a comment, Judge, that -- you
9 asked a question, I guess more of a rhetorical question, I
10 thought, in speaking to Ms. Hovanec about the decision that
11 you have to make today. And you said is this one of the
12 worst crimes? And you said it's hard to think of one
13 worse.

14 You said several times that you are
15 well-aware that this crime was premeditated and nothing
16 more than a cold-blooded murder. This Court, of course, is
17 required to consider the nature and circumstances of the
18 offense. I'm confident that it will do so. And that
19 factor alone justifies the sentence here.

20 The government has made clear in its
21 sentencing memo that it is seeking a sentence of life
22 imprisonment for this defendant. Of course, the guideline
23 range is now set by the Court counsels a life imprisonment
24 sentence, and there is nothing about this defendant that
25 warrants a downward departure or variance. The probation

1 officer, who very thoroughly went through the facts of this
2 case, notes that in her report. She found no basis for a
3 variance. No basis for a departure.

4 She deserves a life sentence for a multitude
5 of reasons, not the least of which is that that is exactly
6 the sentence that she imposed on Tim Hovanec, his family,
7 and I think, we can all agree, their children. And they
8 are going to be dealing, obviously, with the consequences
9 of her conduct, her choices, for the rest of their lives.
10 We all agree that a life sentence should be reserved for
11 the most serious crimes. There is no more serious crime
12 that she could have committed. She intentionally took a
13 human life.

14 She says in her sentencing memo that, you
15 know, it's not aggravating that there's a death in this
16 case because in every homicide case, there is a death.
17 Well, yes. And yes, that's factored into the base offense
18 level here, which is, in large part, what drives the
19 guideline. But this case is different. The premeditation,
20 Judge, the degree to which she went, the length of time
21 that she was thinking about and planning the death of her
22 husband. She says it was as early as December of 2020 when
23 the divorce was filed, well over a year. And this was more
24 than just talk or wishful thinking on her part, as she's in
25 the middle of an ugly divorce or custody battle.

1 You heard the statements of Mr. Theodorou.
2 You saw the text messages, that as early as the summer of
3 2021, there's corroboration of a plan B. A plan B that
4 involves the hiring of a hitman. And she's persistent.
5 First one, not going to do it. State Department employee,
6 not touching that. Second one, I'll do it. Give me the
7 money, I'll do it. That falls through, too. And so
8 there's a third one. All at her direction.

9 She admits that finally in her revised
10 acceptance statement. Yeah, I've been thinking about it
11 for a long time, and, yeah, we've talked about a hitman.
12 But Mr. Theodorou's statements in that regard are not
13 challenged by this defendant. They are not endowed to this
14 hearing.

15 Who the victim was in this case and his
16 relationship to the defendant makes this aggravating, too.
17 He's her husband. Estranged or not, they are married.
18 He's the father of her children, the father of her kids.
19 He's an employee of the United States State Department. It
20 matters. It's aggravating who he was. You've just heard
21 the final victim impact statement that the murder of Tim
22 Hovanec has, quote, set us back years. It's affected the
23 security interests of this country. It's certainly
24 aggravating who he was.

25 How about the manner of death? That's

1 aggravating, too. There are a lot of ways that you can
2 kill someone. Countless, I'm sure. When she couldn't get
3 someone else to do it for her, she took matters into her
4 own hands, and she did it herself. When she chose to do
5 what she did, Judge, she ambushed. There is no other word
6 for it. She ambushed the father of her children after he's
7 just spent a weekend with them. After being denied
8 visitation with them for months, she ambushes him in the
9 driveway. She injects him with a drug that she obtained,
10 the sole purpose of killing him. She knew what she was
11 doing, a drug that she couldn't obtain here, a drug that
12 she obtained from a foreign country. And where does she do
13 this? In the driveway of her house while their kids are
14 steps away inside being distracted by her mother. They are
15 inside the door. You see them walk in. They are inside.

16 You saw the struggle on the video. She's
17 aggressively trying to get him to the ground. He's going
18 for his phone. He, obviously, knows. It's apparent to me,
19 and I'm sure the Court, he is trying to get in front of
20 that camera because he knows it's there. She doesn't, but
21 he does. And he is trying his darndest, and thank God he
22 got there. He got in front of that camera. You see how
23 aggressive she is. He's trying to -- something is wrong
24 here. He's trying to get on his phone. She knocks it out
25 of his hand. She wrestles him to the ground and holds him

1 while he takes his last breath. She gets up, grabs the
2 phone, takes the watch off of his arm, walks over to his
3 car, and turns it off. She tells us how she feels about
4 that when she turns the car back on to ditch it.

5 Her complete and utter lack of remorse in
6 this case, as I argued earlier with regard to the
7 acceptance adjustment, it's astonishing. Just literally
8 astonishing, from the moment she committed the crime, to
9 today, to her multiple acceptance statements, to today.
10 She has never ever said I'm sorry.

11 You know, I'm sure that Mr. Klucas is going
12 to get up and make reference to the forensic psychology
13 report that he attached to the sentencing memo. And he's
14 going to say, Judge, as he did in his memo, it's all bad.
15 We get it, it's all bad, but, you know what, she deserves
16 an out date. She deserves mercy because she had a rough
17 childhood. She suffered from toxic stress as a child. I
18 mean, the report goes on for 19 pages.

19 You know, I am sure that I will get back up
20 on rebuttal to address the points that he may make with
21 that report, and as we stand here today, the government
22 understands and agrees that the Court can consider any
23 evidence that it wants in making this decision. We don't
24 believe that report should be given any weight, and we'll
25 talk about that in more detail on rebuttal. But one thing

1 I will ask you about that question, about whether she
2 deserves to have an out date and whether or not she's a
3 risk to reoffend is this:

4 Nowhere in that report, nowhere, nowhere
5 does it say, you know what, I think if she got this
6 therapy, I think if she had this programming, she might be
7 able to turn the corner. We might be able to get a handle
8 on this. There is absolutely nothing in that report that
9 suggests in any way that she can be rehabilitated. In
10 fact, the report says she is still detached, dissociative,
11 and cannot see the bigger picture of her actions. That's
12 on page 17.

13 She remains as much of a risk today as she
14 was then. We can all sit here and say, well, you know, the
15 confluence of all of these factors is unlikely to occur
16 again in the future. That's speculative at best, Judge.
17 We have no idea. We have no idea. She's acknowledged in
18 the report that she's quite promiscuous. What's to say
19 that if you give her an out date, when she gets out, she
20 doesn't jump right into another relationship and right into
21 another bad situation where she dissociates from reality
22 and something bad happens again to someone else. That's a
23 risk that you can't take, and it's a risk that the public
24 does not deserve to be put in.

25 There is no more serious offense, and this

1 isn't just a death, it's aggravated, by her. She deserves
2 life, and that's the sentence you should give her, as
3 difficult as it may be for you to do it.

4 Thank you, Judge.

5 THE COURT: Thank you, Ms. Sterling.

6 Mr. Klucas.

7 MR. KLUCAS: Thanks, Judge.

8 So I want to start by acknowledging the
9 victim impact. Natural, reasonable, understandable. The
10 Court knows what kind of practice I have. It's not the
11 first victim impact statement I've heard. They are all
12 like that. Because any life that's unnaturally abbreviated
13 is tragic for those that are left behind.

14 The anxiety that I have as an advocate is
15 how close to the decision as to what the sentence is going
16 to be that victim impact evidence comes. It's right
17 before, okay. The real fear, as we indicated in the memo,
18 is that it will overwhelm all the other sentencing factors.
19 And there are other sentencing factors that the Court has
20 to consider.

21 And I want to start by reminding the Court
22 that despite the government's characterization, and I don't
23 believe the word mercy appears in our sentencing memorandum
24 anywhere, okay. We are not asking for mercy. We are
25 asking for a fair application of the factors of 18, U.S.C.,

1 Section 3553(a). Nobody asked for mercy and so be -- to
2 have the government characterize our remarks in our memo as
3 that I think is misleading.

4 I think one of the things that we've done
5 both in our sentencing memorandum and in our advocacy here
6 today is that we have acknowledged from the minute this
7 case got put into a sentencing posture that this is
8 terrible conduct, okay. I said it in my sentencing memo.
9 You can look at the Indictment and see whatever they want
10 to charge, okay. It's a murder case. This is a murder
11 case, okay. Not all murder cases are life without parole,
12 okay. They are not all like that. And, in this instance,
13 we think the sentencing factors merit the Court giving some
14 real consideration to a sentence of less than life.

15 And I think it's important that we
16 acknowledge that this is a homicide and that it was
17 deliberate and that it was done with prior calculation and
18 design, because if I don't acknowledge that to the Court,
19 then the Court's not going to take me seriously when I talk
20 about other things, okay.

21 I don't know about reserving comment for
22 rebuttal with respect to Dr. Brams' report. I don't know
23 that there was ever going to be any rebuttal. I think the
24 government is a little dismissive about that report, but we
25 are not dismissive in the allegation and the offense

1 conduct that brings us here. We know it doesn't get a
2 whole lot worse than this, and we said so in our memo.

3 I just -- I think it's important for the
4 Court to recognize that defendants aren't fungible. They
5 are not interchangeable. They are not all the same, okay,
6 and that, to some extent, the Court does, in fact, sentence
7 a crime, but, more importantly, the Court sentences
8 individual defendants, because they are not all the same.

9 And for reasons not of Amanda's own
10 choosing, okay, she does not perceive, respond, react the
11 same way as somebody else who didn't have her upbringing.
12 And I think it's also important for the Court to
13 acknowledge, and I think you are going to hear from
14 Ms. Hovanec that, you know, not even -- nobody believes
15 that Mr. Hovanec deserved this, okay. The government's
16 focus at Ms. Hovanec at the time of the offense, okay.
17 It's two years later, more than two years later, okay.
18 People don't freeze in time no matter how much the
19 government wants you to think that. And I think that the
20 report from Dr. Brams and the way that Amanda has taken
21 advantage of the limited resources of the Lucas County Jail
22 allow the Court to conclude that this isn't the same
23 person, okay.

24 It's not that anybody's expecting to avoid
25 punishment for this. We are not up here asking for

1 probation, okay. But the idea that Amanda is exactly the
2 same now as she was in April of 2022 is simply not true,
3 okay. I think the Court knows that just by reading
4 Dr. Brams' report.

5 What Amanda really recognizes now is that
6 nobody, not Mr. Hovanec, not her daughters, not
7 Mr. Hovanec's parents, relatives, okay, nobody deserves the
8 fallout that she's created. And as I indicated, you are
9 going to hear that from her. But, you know, one of the
10 things that the government said in their initial remarks
11 was, you know, that Amanda had made some choices in this
12 case, and that's true, she did make some choices in this
13 case. But I don't think I need to draw a lot of pictures
14 for the Court for the Court to recognize, you know, what
15 abuse and neglect and domestic violence and alcoholism and
16 pervasive fear throughout your childhood does on the
17 development of sound decision-making and rational problem
18 solving. It may be true that some people are able to rise
19 above it, but most people can't. And that was the -- that
20 was the atmosphere in which Amanda was raised. She sees
21 irrational dangers where others do not.

22 And nobody is suggesting that she's cured
23 today, okay. That's not what the defense is saying.
24 Amanda will be the first one to tell you it's going to take
25 many, many years to fix this. And she's on her way to

1 fixing it, right. I think one of the most telling things
2 in Dr. Brams' report was given the way that Amanda was
3 raised and her marriage and her marriage not making
4 anything better is that incarceration was the safest and
5 most stable environment she had ever experienced in her
6 life. That's in the report, okay. What does that tell you
7 about the quality of the life up to that point, okay.

8 This is the safest place for her to
9 reassemble herself, and it's important for the Court to
10 recognize that it doesn't make any difference what the
11 sentence is here today, that she is going to continue to
12 reassemble herself, okay. It's, you know, the government,
13 they are dismissive of the upbringing and dismissive of the
14 background, but I know the Court knows better than that,
15 and I know everybody in this room knows better than that
16 because that's why we parent so hard ourselves, because it
17 matters and we recognize it, and when it doesn't happen the
18 way it's supposed to happen, there are consequences for
19 that, and this is one of them.

20 Amanda is 35 years old. Even with the
21 sentence of less than life, she would not be released from
22 prison until her late 60s or early 70s. I know the Court
23 is aware of the recidivism rate for people that are
24 released from prison at that age. It is negligible. These
25 people don't reoffend. And it's easy for the government to

1 say these circumstances may arise again, but I think if the
2 Court maintains a foothold in reality, it recognizes it's
3 not, okay. That's decades of Amanda taking advantage of
4 the programming that the BOP offers, which is pretty
5 intensive and pretty successful, and she's not going to be
6 the same person when she comes out, okay. That's just a
7 fact. I mean, none of us remain the same person with the
8 passage of time. She's not going to be the same person
9 that -- when she comes out as when she went in, and my fear
10 here is that there are not enough people in this room who
11 recognize that 28, 30, 35 years in prison is harsh. Man,
12 it's harsh. And if you don't think so, that's an attitude
13 of people who haven't spent enough time in the
14 incarceration environment, okay. Anybody that spends any
15 amount of time in a lock-up environment knows that 30,
16 35 years of that is a harsh penalty.

17 The Court is required to impose a sentence
18 that is sufficient to punish the crime, but not greater
19 than necessary. We believe that the factors that the Court
20 has to consider, Amanda's history and characteristics, the
21 absolute certainty of a prison sentence measured in
22 decades, okay, all of those factors marshal towards a
23 sentence of less than life. You know, the probation report
24 indicated that the average sentence for somebody in
25 Amanda's position was 415 months, less than life. Really

1 harsh.

2 Thank you.

3 THE COURT: Thank you.

4 Ms. Hovanec, you don't have to say anything,
5 but you are welcome to say anything at all you would like
6 to say right now.

7 THE DEFENDANT: Thank you, Your Honor.

8 I wish I could explain to you and everyone
9 else why I did what I did. But over the past two years, as
10 I have sat, time reflecting and discovering God in my life,
11 He has helped me come to the realization that no matter how
12 I try to explain my actions, it all comes down to me being
13 selfish.

14 I was so desperate and determined to put an
15 end to my own problems that I failed to think about the man
16 whose life I took away. I failed to think about the father
17 that I took from our daughters. I failed to think about
18 how their love for him could have overcome the hurt, and I
19 failed to think about the son and the brother that he was
20 to his family. And I also failed to think about the hurt
21 and shame I brought upon my own family.

22 Instead, I had let my abuse and my fear turn
23 my heart into resentment and hatred, and I allowed that to
24 distort my reasoning, and I let that hatred turn my actions
25 into violence. I refused to give any forgiveness and I

1 lacked all self control.

2 I know I still need a lot of help, and I
3 want more than anything to continue down the path that I
4 have been on since being incarcerated. I have been blessed
5 with help and guidance from my attorneys, my counselors, my
6 therapists, spiritual mentors, and many others, all of whom
7 I am extremely grateful for.

8 I know that every part of what has happened
9 was wrong, and I wish I could undo it all. I have told
10 myself that I would do anything to protect my children, but
11 it should not have been at the cost of hurting so many
12 undeserving people.

13 All I ask is for understanding, Your Honor.
14 Not for me, but for the sake of my three young daughters
15 who have not only suffered their own abuse, but for the
16 last two years of us, both their parents, because of my own
17 selfishness.

18 I hope that, in the future, I will be able
19 to prove to all of those I've hurt that I could be better,
20 and I do take full responsibility for what I did. And I am
21 sorry for all the pain that I have caused.

22 THE COURT: Thank you.

23 Ms. Sterling, anything further?

24 MS. STERLING: Yes, Your Honor.

25 Judge, to the extent that I want to comment

1 on the Court's consideration or any weight that it may give
2 to the psychological report, I'll say this. Dr. Brams was
3 not called as a witness in this hearing, so we have only
4 her report to rely on.

5 Her report does not indicate how much she
6 charged for the 19 single spaced typed pages of primarily
7 self-reporting by Ms. Hovanec that she regurgitates on the
8 page, or the basis, frankly, for the conclusions that
9 Mr. Klucas wants you to consider that are contained in the
10 report. There is absolutely no independent, objective, or
11 reliable testing noted in the report. None. Nothing about
12 her intelligence level, her functioning level, whether or
13 not she's malingering, whether or not she truly suffers
14 from autism, as Dr. Brams at one point notes at one point
15 in the report. The report doesn't note that she considered
16 any medical records, any school records, other psyche
17 records, et cetera.

18 We don't know if she ever watched the video
19 of the murder. We don't know what police reports she may
20 or may not have looked at. She acknowledges in the report
21 that the Green family is fractured; that's obvious. She
22 gives credence to the statements that Ms. Hovanec makes
23 because she corroborated it by talking with two of her five
24 sisters. It doesn't say whether or not she knew that one
25 of the two who she spoke to was present on Friday,

1 April 22nd, 2024, in the kitchen of the Green residence
2 where Ms. Hovanec announced her intent to kill Tim.

3 We are not dismissive of the report, Judge,
4 just articulating for the Court that nothing in there was
5 substantiated.

6 We sit here today, is Amanda Hovanec a
7 victim of abuse? Is she? Are her girls? She says she is.
8 There's no evidence to substantiate that conclusion but her
9 words. No evidence. Certainly, no evidence that her
10 girls, their children, Tim's daughters were the victim of
11 abuse. You heard Special Agent Eilerman testify. That's a
12 serious allegation, and he ran that to ground. He didn't
13 rely on reports, he interviewed the people that were
14 involved. He flew overseas, so committed was he, to
15 determining whether there was any truth to this allegation,
16 and he found none. None.

17 Ms. Hovanec would have you believe that her
18 actions and her decision to murder Tim are because she was
19 trying to protect her children. There's no evidence that
20 they needed protection from anyone let alone their father.

21 You know, Judge, it begs the question, if
22 she really grew up the way she says she grew up, why would
23 she, state-side, does she choose her mother's home as home
24 base, and her mom as the alternate caregiver when she's not
25 there? She's got five siblings, according to the PSR, all

1 live here. All live in Ohio. There's really a history of
2 extreme abuse and violence in her home so much so that she
3 is traumatized by the stress of it all, why is it that the
4 Auglaize county sheriff's detective who looked into the
5 matter found one report, and it didn't even involve her.
6 One report. And that involving a father backhanding his
7 daughter, rightly or wrongly, after she called him a mother
8 fucker. One report.

9 She says to Dr. Brams that she grew up in a
10 trailer in abject poverty. Records in this court indicate
11 that the family home was purchased in 1994. I'm
12 specifically referring to document 24-5. That indicates
13 that the time of the purchase, there was a house, one-story
14 frame home, main dwelling, located on the property. You
15 saw the property, Judge, at least part of it, in the video.
16 It's a gorgeous property. You saw it driving up the
17 driveway.

18 We are not dismissive of the report. We
19 question its validity, because it's not substantiated, and
20 in some cases, refuted. What we do know about this report
21 is what she continues to think. In the report, she
22 continues, just as she did today, to blame Tim for being an
23 abuser to her and to their girls. Specifically referring
24 to pages 12 and 13 of the report.

25 You know, Mr. Klucas says who she is today

1 is not who she was two years ago. I mean, I'm sure in some
2 abstract sense, that's true. We all change, and I'm sure
3 years down the road, she won't be the same person. That's
4 an accurate statement. I don't refute that. That's not
5 really the question, though. And to the extent that I
6 argued she's still a danger as she was then, that's a
7 direct quote. It's a direct quote out of the report.
8 Today, she is still detached, dissociative, can't see the
9 bigger picture.

10 There is even a conversation in here. I
11 believe it's page 14, that first paragraph. The doctor is
12 questioning her about the incident. She says, Ms. Hovanec
13 says, she told Mr. Hovanec that she would, quote, kill him,
14 if he ever hit the kids again. She shared if he did
15 anything to hurt the children, I would shoot him in the
16 face. When this examiner inquired if this was just a
17 statement or reality, she responded I would. My
18 interpretation of that is that she would do it again.

19 The real motive here, Judge, has nothing to
20 do with protecting herself or her children. The real
21 motive here, as you saw in the extensive text messages that
22 were presented to the Court this morning, is that she
23 wanted the dream. She wanted to move back to South Africa
24 with her rich boyfriend and live unencumbered by her
25 husband and the father of her children. And she couldn't

1 do that because Tim Hovanec loved his kids too much.

2 That's the real reason why she killed him.

3 You know, Mr. Klucas argues we all change,
4 we are not the same people. Down the road, after
5 programming, et cetera. Under that theory, no one should
6 get life imprisonment. I ask you, Judge, given all the
7 facts and circumstances of this case, given the guideline,
8 given all the factors that you are required to consider, if
9 not her, if not under these circumstances, then who?

10 THE COURT: You look like you are really
11 itching to say something?

12 MR. KLUCAS: I am. I don't think the
13 government should get the last word at sentencing.

14 THE COURT: Okay. Go ahead.

15 MR. KLUCAS: All right.

16 So there's been a lot of suggestions and
17 argument advanced by the government regarding the lack of
18 evidence of abuse. I think that's a bit disingenuous,
19 okay. We all know not all abuse is reported. We all know
20 that.

21 Here's what I submit to the Court. If the
22 government wanted us, the defense, or the Court, to believe
23 a witness who had been abused but there was no record or
24 reporting of it, that's what they would say. Not all abuse
25 is reported, okay. That's exactly what the government

1 would say if they were advocating for credibility on behalf
2 of one of their witnesses. We all know not all abuse is
3 reported.

4 Ms. Sterling concluded her remarks by saying
5 if not for Amanda, who is life in prison for, and the
6 answer to that is life in prison is for people who have
7 criminal histories on top of their homicides. That's whose
8 life in prison is for, okay. That's the answer to the
9 question. The people who get life in prison in other
10 courts and in other jurisdictions are those who have
11 criminal history over and above.

12 Last thing I want to say is this. I haven't
13 said a single thing here this morning and into this
14 afternoon to represent, suggest, or advocate for the idea
15 that on today, October the 1st, 2024, Amanda doesn't remain
16 a danger. I haven't said that, okay. It's one of the very
17 few things the government has said with which I do agree.
18 It's what happens in the future that matters. She pled
19 guilty to these charges so she acknowledges she is a
20 danger. It's what happens after she has years to
21 reassemble and reevaluate and get the help that she needs.
22 That's what the Court has to consider, okay. And given the
23 lack of criminal history and the lack of propensity for
24 this sort of behavior and any other context other than this
25 limited one, okay, I think the Court can conclude that

1 there is no danger to the public, and that she does deserve
2 an out date, and we are asking the Court to fashion a
3 sentence that includes an out date.

4 THE COURT: Thanks.

5 I'm going to take about a five-minute break
6 just to clear my head for a minute and maybe confer with my
7 probation officers.

8 So we'll be in recess for five minutes,
9 please.

10 (Whereupon, a break is taken.)

11 - - -

12 (Proceedings resumed in open court.)

13 THE COURT: Well, it's I don't think a
14 secret to anybody here that I've already said that
15 sentencing is the toughest part of my job, and I'll just
16 say this is the toughest case I've ever had to work on. I
17 have, probably, I can't count how many tens of hours I have
18 spent agonizing about this case both in my office and,
19 frankly, staring at my eyelids at night thinking about
20 this, dreading this day, knowing, at some level, that we
21 are talking about as bad -- bad of a crime as I've probably
22 seen or could imagine.

23 Now knowing that the recommended sentence is
24 life under the guidelines, but I have to look at all the
25 3553(a) factors, I can't just say the guideline is life.

1 Okay, life, there we go. I have to weigh all of those
2 guidelines. I have to look at everything we've talked
3 about in terms of what happened here. And, again, this is
4 a premeditated -- it's hard to imagine a crime more
5 premeditated and more thought out and more carefully
6 executed. And the thought of what you did to those three
7 little girls, that's tough for me to reconcile. And I even
8 read the statement about their new family where their new
9 parents have -- it's one of those things where something
10 jumped off the page at me where sort of like when somebody
11 says something funny at a funeral and it makes you laugh
12 tears, but they talked about going from playing man-on-man
13 parenting to zone parenting. I just thought that was
14 clever.

15 I can't fathom doing something worse than
16 what you did, okay. But, by the same token, as Mr. Klucas
17 points out, you don't have any criminal record, but man,
18 you sure picked one to go off the rails on here in terms of
19 when you finally do decide to have a criminal record, you
20 literally, in cold blood, murder the father of your
21 children. And that's -- that's really tough for me to wrap
22 my mind around.

23 I, obviously, Ms. Sterling, take Dr. Brams'
24 report with the not grain of salt, but shaker of salt that
25 you've poured on it. I get that. I get that she's a hired

1 advocate. Frankly, it reads a little bit like mitigation
2 in a capital; it reads that way. It's also hard for me not
3 to fathom that there were at least a few missing pieces in
4 Ms. Hovanec's life coming up to get her to where she was,
5 but I tend to agree more than I disagree with your
6 observations about that, Ms. Sterling.

7 I have to look at what are the odds of
8 recidivism here at some point. And let's be clear, we are
9 not talking about -- we are not talking about a life
10 sentence. We are either talking about yes or no on an out
11 date, not whether we are talking about an out date in 10 or
12 20 years or something like that. Frankly, I'll spoil the
13 surprise, not even 30 years. We are talking about
14 something beyond that, yes or no. And I've wrestled with
15 it more than I ever have on another decision. You know,
16 the guidelines suggest, with premeditated murder where the
17 death penalty is not imposed, that the sentence should be
18 life. I think that's in Chapter 2. I think it says if we
19 are talking about premeditated murder, the guidelines are
20 life and you shouldn't come off of that.

21 But to get to that, I have to look at
22 Ms. Hovanec and say that I am just utterly convinced that
23 there is nothing about her that could possibly be redeemed
24 here. And I'm not sure I can get all the way there. So
25 that's the -- that's the wrestling that's going on inside

1 my head. And you all have done nothing, while, on the one
2 hand, you've done excellent advocacy on both sides, that's
3 made my job harder, not easier, but I guess that's your job
4 to make my job hard, and you've both done that.

5 And I think we've plowed and replowed all of
6 the 3553(a) factors that come in here. You know, the
7 elephant in that room is the punishment fitting the crime
8 and what public deterrence are we going to send here to say
9 certainly to Ms. Hovanec that this wasn't okay, but to the
10 world. It's not okay to solve a legal problem and a
11 domestic dispute with murder. That can't be okay. But I
12 also am not unmindful of the fact that, under other
13 circumstances, there would likely be, at some point in the
14 future, the potential, even with a life sentence in state
15 court, there would be the potential for someone else to
16 take a look at that at some point in the future, and that's
17 not the case here. So our life sentence is life without
18 parole. That's what life means here as opposed to a term
19 of imprisonment which would have an out date, so that's
20 what I'm wrestling with here.

21 And so, just to be clear, we are talking
22 about a level 43 with a Criminal History Category of 1 and
23 the guideline sentence would be life. I'm going to vary
24 downward slightly from that.

25 Pursuant to the Sentencing Reform Act of

1 1984 and 18, U.S.C., Section 3553(a), it is the judgment of
2 the Court that the defendant, Amanda Hovanec, is hereby
3 sentenced to the custody of the Bureau of Prisons to be
4 imprisoned for a term of 480 months on each of Counts 1, 2,
5 4 and 5 to be served concurrently.

6 Upon release from imprisonment, you shall be
7 placed on supervised release for a term of 10 years. This
8 term consists of 10 years on each of Counts 1, 2, 4 and 5.
9 All such terms to run concurrently.

10 Within 72 hours of release from the custody
11 of the Bureau of Prisons, you shall report in person to the
12 U.S. Pretrial Services and Probation Office in the
13 sentencing district or in the district to which you are
14 released.

15 Based on review of the defendant's financial
16 condition as set forth in the Presentence Report, the Court
17 finds that the defendant does not have the ability to pay a
18 fine. The Court, therefore, waives a fine in this case.

19 You must pay the United States a special
20 assessment of \$400, which is due immediately.

21 What shall we do about restitution, counsel?
22 I'm wondering because it's going to be joint and several
23 for all the cases if we should do that by motion for all
24 three defendants at one time, or what would be your
25 preference?

1 MS. STERLING: Judge, it's my understanding,
2 in speaking with Mr. Klucas and Mr. Bailey earlier this
3 morning, that they are in agreement with the government's
4 request for restitution as set forth in the restitution
5 memo filed in this court as document 106, and,
6 specifically, are agreeing, and we, therefore, ask this
7 Court to impose restitution upon Amanda Hovanec in the
8 amount of -- tell me when you are ready.

9 THE COURT: I'm ready.

10 MS. STERLING: \$2,108,559.36.

11 We are asking that that be imposed jointly
12 and severally with Mr. Theodorou in full, and \$126,000 of
13 it also joint and several with Anita Green.

14 THE COURT: 126 is joint and several with
15 Anita Green?

16 MS. STERLING: Yes, sir.

17 THE COURT: But I'm going to have to give
18 them a chance to argue about that at their sentencings.

19 MS. STERLING: Agree. Agree.

20 THE COURT: Okay.

21 Where are you at with that, Mr. Klucas?

22 MR. KLUCAS: Judge, Ms. Sterling is correct.
23 We had talked about this prior to the hearing this morning,
24 and we are -- we concur with the government's request for
25 restitution as it applies to Amanda.

1 THE COURT: Thank you.

2 So that will be the Order of the Court.

3 The defendant is ordered to pay
4 \$2,108,559.36 jointly and severally with Mr. Theodorou, and
5 126,000 of that is joint and several with Ms. Green through
6 the Clerk of the U.S. District Court. Restitution is due
7 and payable immediately.

8 The defendant must pay 25 percent of her
9 gross income per month through the Federal Bureau of
10 Prisons Inmate Financial Responsibility Program. If a
11 restitution balance remains upon release from imprisonment,
12 payment is to commence no later than 60 days following
13 release from imprisonment to a term of supervised release
14 in monthly payments of at least a minimum of ten percent of
15 her gross monthly income during the term of supervised
16 release and thereafter as prescribed by law.

17 Notwithstanding establishment of a payment
18 schedule, nothing shall prohibit the United States from
19 executing or levying upon property of the defendant
20 discovered before and after the date of this judgment.

21 While on supervision, you must comply with
22 the mandatory and standard conditions that have been
23 adopted by this Court and set forth in part D of the
24 Presentence Investigation Report. And you must comply with
25 the following additional conditions:

A periodic drug testing mandated by the Violent Crime Control and Law Enforcement Act of 1994 is hereby suspended based on the Court's determination that you pose a low risk of future substance abuse.

Mental health treatment. You must undergo a mental health evaluation and or participate in a mental health treatment program and follow the rules and regulations of that program. The probation officer in consultation with the treatment provider will supervise your participation in the program.

The defendant shall submit her person, property, house, residence, vehicle, papers, computers, other electronic communications or data storage devices or media or office to a search conducted by a United States Probation Officer. Failure to submit to a search may be grounds for revocation of release.

The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition. An officer may conduct a search pursuant to this condition only when reasonable suspicion exists that the defendant has violated a condition of supervision and that the areas to be searched contain evidence of such a violation. Any search must be conducted at a reasonable time and in a reasonable manner.

Defendant has been detained without bail

1 since her arrest. She's, therefore, not a candidate for
2 voluntary surrender because of the provisions in
3 18, U.S.C., Section 3143(a)2.

4 Ms. Hovanec, you have the right to take an
5 appeal from anything in this case. That appeal needs to be
6 made within 14 days. The appeal would be to the United
7 States Court of Appeals for the Sixth Circuit, which sits
8 in Cincinnati, but, for our purposes, that appeal would be
9 filed in the Clerk of this court.

10 Tell your attorneys if you want to file an
11 appeal. You have 14 days to do that. The world changes
12 after 14 days, so make sure, if you want to file an appeal,
13 tell your attorneys to file an appeal. If they don't do it
14 for you, do it for yourself because that date is critical,
15 14 days.

16 Ms. Hovanec, the guidelines said I should
17 have sentenced you to life in prison with no -- no hope of
18 ever getting out. That's what the guidelines say. The
19 statute authorizes that. I didn't do that. Forty years
20 may sound like forever, and, to some extent, it is. I
21 mean, the world, I think about, what, 40 years ago, I was a
22 20-year-old man. That's a long time ago. I don't envy you
23 the time that you are going to be away, but at least there
24 is a date out there on the horizon. You, as Mr. Klucas
25 said, you will have an out date, but it's going to be a

1 long time down the road.

2 To the family that are here, I thank you all
3 for the words spoken, written, said and unsaid. I have
4 been thinking about Tim Hovanec and I have been thinking
5 about those three little girls a lot over the past week and
6 probably more than that. I -- I understand -- I understand
7 why they are not here, but I -- I hope you'll send my
8 regards to Katie and Matt and thank them for what they have
9 done for these young ladies. I can't imagine taking in
10 three extra kids on top of two that you already have. But
11 that's all that.

12 I'm sorry to this family for what has
13 happened here for what you've gone through. I'm sorry that
14 you all had to come here today. And I'm sorry that you
15 didn't get the satisfaction of hearing me say the word
16 life. I have to give this my best shot, and I've agonized
17 about this, and I just believe, looking at all those
18 3553(a) factors, that the word life didn't come into play,
19 but that something awfully close to that in terms of
20 40 years, which, let's put all the cards on the table,
21 there are some opportunities for good time credit. It
22 works out to be about 15 percent less than that, so we are
23 still talking about well in excess of three decades over
24 and above the time she's already served. So it will be a
25 very long time until Ms. Hovanec breathes free air. I've

1 given this my best shot.

2 I'll ask, does the government have any
3 procedural or subjective -- any procedural or substantive
4 objections to my sentence here today?

5 MS. STERLING: Judge, we would just note our
6 objection to the downward variance.

7 THE COURT: Yes.

8 Mr. Klucas, does the defense have any
9 procedural or substantive objections? You've, obviously,
10 preserved your right to argue about the two enhancements.

11 MR. KLUCAS: Correct.

12 THE COURT: So protecting that --

13 MR. KLUCAS: Correct.

14 THE COURT: -- any other procedural or
15 substantive objections to my sentence?

16 MR. KLUCAS: We do not.

17 THE COURT: Okay.

18 With that -- yes?

19 MR. KLUCAS: We do -- we are in a position
20 to ask the Court to make a recommendation to an institution
21 if the Court is willing to do that.

22 THE COURT: Yes. What do you want?

23 MR. KLUCAS: Victorville, California.

24 THE COURT: Okay. I will make that
25 recommendation. As you know --

1 MR. KLUCAS: I do.

2 THE COURT: -- the BOP doesn't, doesn't care
3 really what I say, but, and I'm always happy to entertain a
4 request, so counsel has requested that the Bureau of
5 Prisons carefully consider Ms. Hovanec for --

6 MR. KLUCAS: Victorville.

7 THE COURT: Victorville, California, if she
8 meets the qualifications for that facility.

9 With that, we'll be adjourned.

10 MR. KLUCAS: Thank you, Judge.

11 (Proceedings adjourned at 2:59 p.m.)

12 - - -

13

14

15 C E R T I F I C A T E

16

17

18 I, the undersigned, hereby certify
19 that the above and foregoing is a true
20 and accurate record of the proceedings
21 held in the above-entitled matter prepared
22 from my stenotype notes.

20

21

/s/ Diana M. Ziegelhofer 12/30/2024

22

Diana M. Ziegelhofer, RPR, RCR

23

Official Court Reporter

24

United States District Court

25

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